

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

UNITED STATES OF AMERICA,	)	DOCKET NO. 5:15-cr-15-1
	)	
vs.	)	<u>VOLUME II of IV</u>
	)	
STEVEN W. CHASE,	)	
	)	
Defendant.	)	
_____	)	

TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE RICHARD L. VOORHEES  
UNITED STATES DISTRICT COURT JUDGE  
SEPTEMBER 14, 2016

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Charlotte, North Carolina

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1	155
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P R O C E E D I N G S

WEDNESDAY, SEPTEMBER 14, 2016:

THE COURT: Good morning, ladies and gentlemen. I take it you all have seen the memo I presented responding to the motion in limine by the government and the discussion we had about it yesterday evening. So we'll move along unless there is something else for the Court.

MS. RANDALL: Your Honor, we just want to kind of clarify the ruling to make sure we understand the parameters, if that's okay.

THE COURT: All right.

MS. RANDALL: The way we read your ruling, Your Honor, is that we understand, the defense or the government, what evidence is admissible is basically that the government did in fact monitor the website for a short time afterwards. That's going to include talking about the log files, monitoring activity. But that neither side can get into things such as the number of posts that were added, the number of new users that were added. Basically a lot of the information that the defense put in their "Outrageous Government Conduct Motion" where they allege that the government improved the website or that, you know, some of the other allegations that they made in there about posts and images continuing to be added.

THE COURT: That's correct.

1 MS. RANDALL: If it's just about identification, it  
2 should really just be limited to the IP logs and the servers.

3 THE COURT: I think the memo is clear on that point.

4 MS. RANDALL: I just wanted to make sure, I guess,  
5 we understood your memo and that we don't get into something  
6 inappropriate.

7 THE COURT: Well, we're not going to try the  
8 government should there be anything triable related to that  
9 conduct. We are allowing it in for what is relevant to the  
10 case at hand, in particular the defense's posture relative to  
11 the means and possible success of identifying users of the  
12 website.

13 MS. RANDALL: Okay. I think that helps us, Your  
14 Honor. Thank you.

15 THE COURT: All right. Thank you.

16 May we have the jury, please.

17 MS. RANDALL: My co-counsel is going to step out and  
18 inform the witness of the rulings.

19 THE COURT: All right. Very well.

20 (The jury was returned to the courtroom.)

21 THE COURT: Good morning, members of the jury.

22 THE JURY: Good morning.

23 THE COURT: All jurors appear to be settled,  
24 bright-eyed and bushy-tailed, as my army commander used to  
25 say.

1                   We'll continue with the Government's case. You may  
2 call your witness.

3                   MR. JONES: The Government calls Special Agent Dan  
4 O'Donnell, Your Honor.

5                   (Witness resumes the stand, previously sworn.)

6                   DANIEL O'DONNELL, GOVERNMENT WITNESS, PREVIOUSLY SWORN

7                   CONTINUED DIRECT EXAMINATION

8 BY MR. JONES:

9                   THE COURT: You're still under oath, sir.

10                  THE WITNESS: Yes, sir.

11                  THE COURT: Thank you.

12 Q. Good morning, Agent O'Donnell.

13 A. Good morning.

14 Q. When we left off yesterday you were testifying in regards  
15 to one of the administrators, alleged administrators of the  
16 website, Isabella?

17 A. Correct.

18 Q. We were -- we just want to pick up where we left off. We  
19 left off at United States Exhibit 30. I want to show you that  
20 again and just have you, just for the jury's sake, just go  
21 back through 30 and just kind of explain this posting.

22 A. So this post was made in the "General" category, the  
23 "Request" section. It's entitled "Blonde BJ ID Request," that  
24 was posted by the user Zovny on February 2, 2015. It was read  
25 703 times. The text states: "Hi. Anyone knows the film name

1 or where I find."

2 Q. If you could read the reply starting with "That would  
3 be."

4 A. Then there's a reply made on February 3, 2015, by the  
5 administrator Isabella who states: "That would be this one.  
6 I'll work on posting part one and two."

7 Q. Okay. Could you read that second reply by, I think,  
8 that's Zovny?

9 A. Yes. So this is the reply to the above post that states:  
10 "Thank you very much Isabella. The preview very useful for  
11 me. I found the film and I downloaded to it. Do part two  
12 only lesbian."

13 Q. Okay. Let's move now to U.S. Exhibit 31. If you would  
14 just walk the jury, like you did 30, through this thread. One  
15 second. Okay.

16 A. So this is a post to the "Preteen Photos" in the "Girls  
17 Hard Core" section. It's entitled "Puppy." And it was posted  
18 by the user Cecco, C-e-c-c-o, on December 31, 2014, with the  
19 text: "I only have these nine pics. Hope some have more.  
20 Puppy named as found."

21 Q. How many times was this read?

22 A. This was read 26,638 times.

23 Q. Okay. Let's just walk through. Could you read from the  
24 replies as we scroll through?

25 A. So these initial replies, the first one's from a

1 different user the same date states: "Thank you very much."  
2 "Thanks pretty little pus." The next one says: "Thank you".  
3 Great close-up of her. Yummy pussy. Thank you Cecco.  
4 Karma." "Nice girl. I only miss her face. BTW," which in  
5 this context would stand for by the way, "her clothes  
6 especially panties are in perfect color." And the original  
7 user replies stating: "Those pics -- looks like she's newer."  
8 Sorry, I think it's spelled wrong. "Those pics looks like  
9 she's newer been faced I don't know and yes her pants, face,  
10 color and body makes me fucking hard." Next one states:  
11 "Thank you."  
12 Q. Okay. And if you could just describe the posts under it.  
13 A. This post at the bottom, I believe, part of it is cut off  
14 on the screen capture, but it contains certain images  
15 depicting prepubescent female being vaginally penetrated by a  
16 male's penis. There's a preview link in the link to the full  
17 files.  
18 Q. And who -- if you can look you see preview link and  
19 password.  
20 A. Correct.  
21 Q. Who posted this thread?  
22 A. So this one appears to have been posted by the user  
23 Isabella. That's that particular user's password, both there  
24 and in the right hand corner of the post.  
25 Q. Okay. And that's fine. I think you could see the



1 rest -- remainder are just replies. What about that last one.  
2 If you could look at last one we have now.

3 A. So this last post, again, is by the administrator  
4 Isabella on January 11, 2015, who states: "My post has been  
5 re-upped enjoy."

6 Q. What does -- based on your training and experience, what  
7 is re-upped?

8 A. Typically, since most of these full files were hosted on  
9 external websites the links would not stay active for all that  
10 long, depending on the type of website. So when other users  
11 would try to download the files, if they weren't there or the  
12 link was no longer working, then the other users would repost  
13 it and it was just turned either -- sometimes they would call  
14 it reposting but other times they would just say they re-upped  
15 it and that just meant that there was a new link or the link  
16 was refreshed.

17 Q. Okay. All right. Now turning to Government  
18 Exhibit 32 -- that's 31. If you would just walk the jury  
19 through this thread as well, starting with the title.

20 A. So this was entitled, "9yo" -- again, nine years old.  
21 "Australia UA Requested." In the "Preteen Videos Girls Hard  
22 Core" section.

23 Q. Again, what does "Requested" mean?

24 A. In this context typically it would mean that another user  
25 had made a specific request and this user was responding to

1 that request.

2 Q. Okay.

3 A. So this particular post was made on December 21, 2014, by  
4 the administrator Isabella. And there's text that states:

5 "Here is the video as requested."

6 Q. How many times was this thread read as well?

7 A. This was read 25,602 times.

8 Q. Would you briefly describe what is depicted for the jury?

9 A. So this is a contact sheet or a preview image of what the  
10 full files would contain. This is approximately 16 images  
11 depicting a prepubescent or early pubescent female, several of  
12 which appear to contain child pornography depicting the  
13 female's vagina.

14 Q. If you would read some replies to the posting.

15 A. First replies says: "Thanks Isabella."

16 The next two says: "Thanks. Good vid. Very hot.

17 Beautiful. Thank you very much Isabella. Great video Karma.

18 Yes. Thank you. Lovely."

19 The next is in a foreign language. The next: "Wow, nice  
20 post Isabella. Now that's a type of girl I wouldn't mind  
21 running into in the outback. Thanks Isabella. But I would  
22 guess this little honey is more likely to be 12 to 14 than 9.  
23 Still quite fapable, though."

24 Then the administrator Isabella responds to the above  
25 post stating: "I didn't name it. I'm just sharing what I

1 have."

2 The next reply: "Is this not Liz Griffis? I've seen at  
3 least one more vid of the same girl. And, yes, definitely not  
4 9 years old. Ain't no complaints here, just saying, thanks."

5 Q. All right. Moving now to Government Exhibit 33. Walk  
6 the jury through this post as well.

7 A. This was a post to the "Preteen Videos Girls Hard Core"  
8 section of the site entitled: "Mask girl. Dildo." With some  
9 letters and numbers in parenthesis. The post was made on  
10 November 19, 2014, by the administrator Isabella.

11 Q. How many times was this post read?

12 A. 17,367.

13 Q. If you could just walk the jury through that you just  
14 described, briefly this photo.

15 A. So this is another contact sheet with several images, 12  
16 to 16 images that appear to depict a prepubescent or early  
17 pubescent female including those images depicting her legs  
18 spread with her vagina being penetrated by a foreign object.

19 Q. Just read a few of the replies, starting with the first  
20 one.

21 A. The first reply: "Dan, I wish that little sweetheart  
22 would let me give her my real cock. I would love to send some  
23 of my cum gushing into that young snatch.

24 "Something about this girl brings out my primal urges to  
25 fuck or fap. T-Y. Great post. Karma.

1 "This video has most erotic audio in any CP or non CP  
2 video I have seen."

3 Q. Let's turn now to Government Exhibit 34.

4 A. So this post was made in the "Preteen Photos Girls Hard  
5 Core" section of the site entitled: "PlayPen Chat. Pedo Chat  
6 Girl." That was made by the administrator Isabella on  
7 September 19, 2014.

8 Q. How many times was this posting read?

9 A. 19,202.

10 Q. Briefly walk the jury through what is described in this  
11 one.

12 A. So the text states: "I put out a request and someone  
13 very generous provided a pic for PlayPen chat. So here she is  
14 along with the original pedo chat girl."

15 Q. Just briefly read a few of these replies, as well.

16 A. The first reply: "Thanks friend but I must admit your  
17 little girl is much more delicious looking. I envy your  
18 tongue."

19 The next: "I have more they pics pedo chat and long  
20 clip."

21 Q. I think that's enough of that.

22 Agent O'Donnell, you also had the opportunity to document  
23 undercover sessions for this -- one of the site's global  
24 moderators "Stretch Armstrong."

25 A. Correct.

1 Q. I'm showing you what's been marked as Government  
2 Exhibit 35. If you could just walk the jury -- if you could  
3 just walk the jury through as you did for the PlayPen user as  
4 well as the PlayPen administrator and Isabella administrator,  
5 walk them through the Stretch Armstrong global moderator  
6 profile page.

7 A. So this is another screen capture of that profile page  
8 for this particular user. In the left hand side his username  
9 "Stretch Armstrong," his position on the site is global  
10 moderator. And then, again, options to either send him a  
11 message or view his statistics and posts.

12 In the center of the page the total number of posts made  
13 by this user, which was 809. He was thanked 612 times. No  
14 age provided. Registered to the site on November 13, 2014.  
15 Local time as recorded by the site. And then the last date  
16 active, which at the time of this screen capture was that day.  
17 And then below that is his file and downloading passwords.

18 Q. All right. Showing you now what has been marked as  
19 Government Exhibit 36, Stretch Armstrong's stats page. Just  
20 walk the jury briefly through his stats page.

21 A. So this is, again, the statistics page that you would go  
22 to by clicking on the "Show Stats" from the previous page.  
23 The first category with the general statistics. The total  
24 time spent on line, again, is the cumulative amount of time  
25 this user had spent from the day he registered to the date of

1 the screen capture. So that total time was over 22 days, 13  
2 hours. Then the total number of posts, 809 posts. And 67  
3 topics that were started by this user, who created no polls  
4 and casted 12 votes.

5 The next section is the timeline for when his posts were  
6 made throughout the day. And then the bottom categories are  
7 the specific sections of the board where he made his posts.

8 Q. All right. Showing you now what has been marked as  
9 Government Exhibit 37.

10 And as you did with the PlayPen administrator, as well as  
11 Isabella, walk the jury through this thread by Stretch  
12 Armstrong.

13 A. So this post was made in the "Web Cams Girls" section of  
14 the site entitled: "You now Brook. Brand new clip. File  
15 links updated."

16 Q. How many times had this thread been read?

17 A. I believe 33,071 times.

18 Q. Okay.

19 A. So this post was made by the global moderator Stretch  
20 Armstrong on January 20, 2015. The text states: "Found this  
21 about a month ago and decided it was time to share with you  
22 guys. Takes them a few minutes to get going and while there  
23 are more explicit cams out there. I don't think you'll find  
24 two hornier girls, especially the one on the left. They want  
25 it bad."

1 Q. Okay. Now, were you able to click on those links and  
2 download this thread? I mean, download this video?

3 A. Yes.

4 Q. I am going to show you, just for a few seconds, the  
5 video. If you could just briefly describe for the jury.

6 A. So this video at this particular time depicts two  
7 prepubescent or early pubescent females in front of a camera.

8 Q. If you could just go down -- how many -- if you could see  
9 that -- just briefly describe what that -- I know it's kind of  
10 hard to see. If you can see if you could just briefly  
11 describe for the jury the following users.

12 A. So this section of the post just contains the number  
13 of -- the specific users who thanked Stretch Armstrong for  
14 this particular post above.

15 Q. Okay. And does it show -- all right. We'll read a few  
16 of the replies if you can -- okay.

17 All right. We're moving down now to Government  
18 Exhibit 38 -- I'm sorry, 39. As you did with 38, if you could  
19 briefly describe the thread for the jury, please.

20 A. So this post was made in the "General" category in the  
21 "Request" section entitled: "AMCRZ set-2 cool girls." The  
22 post was made on January 24, 2015, by the user "Project 777."  
23 I believe it was read over 4,600 times. The text on the  
24 original post says: "Please post. AMCRZ set-2 cool girls."  
25 Then there's a link below that.

1 Beneath that post is a reply by the global moderator  
2 Stretch Armstrong on January 24, 2015, who states: "Don't  
3 know about the pics but here's an awesome video clip of the  
4 young one getting a little vibrator play from her stepdad or  
5 someone." And then there's a link there to a particular page  
6 within the PlayPen website.

7 Q. Were you able to download this link within a particular  
8 page of the PlayPen website?

9 A. I went to that site -- or that section and then  
10 downloaded the material, yes.

11 Q. Just briefly showing you what's been marked as U.S. 39a.

12 A. So this is a screen capture containing -- a screen  
13 capture of a contact sheet containing numerous images of a  
14 prepubescent or early pubescent female including those with  
15 her legs spread exposing her vagina which appears to be  
16 penetrated by a pink object.

17 Q. Okay. Agent O'Donnell just briefly for the jury explain  
18 your -- why you documented sessions on -- specifically on the  
19 PlayPen, Isabella, and Stretch Armstrong.

20 A. So part of our standard procedures in these types of  
21 investigations are to identify the facilitators, the  
22 administrators, and the hierarchy of the particular websites.  
23 So that includes conducting undercover sessions, as well as  
24 other activity on these users. So in this case it was my job  
25 to identify the particular administrators and moderators on



1 the site, and then document the examples of their activity on  
2 the site and to preserve that evidence.

3 Q. And your activity in documenting the site, just briefly,  
4 again, just walk the jury, you know, how you were able to do  
5 this in creating a fake name so they understand.

6 A. So I generally use a variety of ways to document. With  
7 these screen captures, it's a program called "Snag It," which  
8 is just a software program that allows you to essentially take  
9 a picture of what you're looking at on your screen. I'll  
10 also, in certain circumstances, use a video capture that's  
11 actually recording step-by-step of what I do, as well as  
12 downloading using a web browser so that I can preserve the  
13 page in its entirety.

14 Q. Was it possible -- is it possible for anyone to create a  
15 fake user account and log in to PlayPen as you've done?

16 A. Anyone who had access to the home page could register and  
17 create an account with a username and password.

18 Q. Okay. Now -- and those exhibits that we just went  
19 through, Exhibits 1 through 39, that's exactly what any other  
20 user on the PlayPen website would go through upon accessing  
21 the site. There was nothing special what you did to those  
22 exhibits?

23 A. No, after registering to the site, a user would have  
24 access to that home -- the index page, and then the individual  
25 topics, and posts, and threads within the website.

1 MR. JONES: Okay. No further questions from the  
2 Government, Your Honor.

3 THE COURT: All right. Cross-examination.

4 MR. ADOLF: Yes, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. ADOLF:

7 Q. Special Agent O'Donnell, good morning.

8 A. Good morning.

9 Q. I'm Peter Adolf. I'm here representing Mr. Chase. I  
10 have questions for you. If I ask anything that's unclear or  
11 confusing, let me know. I'll try to straighten that out.

12 A. Yes, sir.

13 Q. I may need to show you some of the government exhibits  
14 you've already identified. I'm just going to ask the  
15 government. If I do for some reason need to pull up an  
16 exhibit of child pornography, I'll ask them not to show that  
17 to anybody so we can zero in on the parts I'm talking about  
18 and just deal with that. So I may stop it sometimes and  
19 consult with the government briefly out of your hearing.

20 A. Yes.

21 Q. Now, sir, you talked yesterday about the types of cases  
22 that you have worked on during your career. And you talked  
23 about -- not just websites, not just child pornography posters  
24 and users, but also people who traffic in children,  
25 abductions, other kinds of crimes involving children as well;

1 is that right?

2 A. Correct.

3 Q. And your concern in any case when you are investigating,  
4 trying to find somebody who is involved in looking at child  
5 pornography, or uploading it or downloading it, is that that  
6 person may be a pedophile.

7 A. I mean, my role as a case agent is to investigate child  
8 pornography networks. So whether that's a possessor, a  
9 distributor, advertiser, producer, it runs the entire  
10 spectrum.

11 Q. And -- but your concern when you are trying to find a  
12 particular individual, so forth, is that you're not -- you may  
13 not just be dealing with somebody who is just looking at child  
14 pornography on the internet, you may be dealing with someone  
15 who also has abused or is abusing children in real life.

16 A. That's certainly a possibility, yes.

17 Q. Now, in this case you were aware that Mr. Chase was  
18 arrested.

19 A. Yes.

20 Q. And that was -- we saw a bunch of exhibits that you  
21 created when you created a user account logged into PlayPen.

22 A. Correct.

23 Q. And those were all made actually before -- while the  
24 website was still out there and running, before Mr. Chase or  
25 anybody else had been arrested in this matter, correct?

1 A. That's correct, yes.

2 Q. And it's now been a period of time, about a year and a  
3 half, I guess, since that arrest.

4 A. Yes.

5 Q. And you just told us your concern that folks who look at  
6 child pornography on the internet may also be abusing actual  
7 children.

8 A. That's always a concern in these types of investigations.

9 Q. Always a concern. And so, of course you learned in the  
10 course of both before and after the arrest of Mr. Chase that  
11 his wife had just died a couple years ago, right?

12 A. I didn't know much about Mr. Chase's personal family  
13 issues. That wasn't part of my role in this case.

14 Q. Well, you've been working on this case now for what, two  
15 years?

16 A. Well, I transferred out of that unit in January.

17 Q. Okay. So you were working on the case at the time the  
18 government was trying to find the website and then when the  
19 people involved in this case right now were arrested, right?

20 A. Yes.

21 Q. And then onward for almost a year?

22 A. Approximately, yes.

23 Q. And you conferred with other members of the team that  
24 were working on the PlayPen case?

25 A. Yes.

1 Q. Including Agent Alfin -- I'm sorry Special Agent Alfin  
2 sitting at the table over there.

3 A. Yes, sir.

4 Q. And you learned that there's no accusations from  
5 neighbors, family members, local schools or anything that he's  
6 ever been accused of abusing an actual child, correct?

7 A. I don't have any direct knowledge of that, no.

8 Q. Well, you talked to other members of the team in the year  
9 and a half or whatever it was you were working on the case,  
10 right?

11 A. Yes.

12 Q. Including before and after Mr. Chase was arrested.

13 A. Correct.

14 Q. And you have no knowledge that anyone's ever made that  
15 kind of accusation against him, right?

16 A. Not that I know of, no.

17 Q. Now you talked yesterday about the Tor network and the  
18 way that it operates in certain ways.

19 A. Yes.

20 Q. Now, of course you're aware that the Tor network can used  
21 for legitimate reasons.

22 A. It can be, yes.

23 Q. In fact, it was the government that built the Tor  
24 network; isn't that right?

25 A. I'm not familiar with the whole history of it. But there

1 were parts of it that the government designed, the original  
2 format. But I'm not an expert in that area.

3 Q. Well, you know that it was, for instance, it was the --  
4 it was actually the Naval Criminal Investigation Service that  
5 invented Tor so that law enforcement officers could  
6 communicate with each other across distances without --

7 A. No, I don't think that's correct. I don't think the NCIS  
8 had anything to do with Tor.

9 Q. It was, in fact, Naval investigations, though, right?

10 A. I believe DARPA, the research element of the military had  
11 some role in it. But I don't believe it had anything to do  
12 with NCIS.

13 Q. Well, you are aware that there are still several  
14 government employees whose job it is to update Tor and keep  
15 working on it even to this date.

16 A. I'm not familiar with how, which parts or which sections  
17 of the government have anything to do with Tor. As far as I  
18 know, Tor is a non-profit that is overseen by the Tor project.

19 Q. Now, the Tor browser itself you said is something that  
20 anybody can download.

21 A. It's available for anybody to download, correct.

22 Q. So putting it on one's own computer would be no different  
23 than putting Internet Explorer on it or regular Firefox or  
24 Safari or the other browsers that you talked about.

25 A. The user would still have to download the program. It

1 wouldn't come installed on a computer like, say, Explorer used  
2 to be. But certainly anybody with internet access could  
3 download the browser bundle.

4 Q. It looks pretty similar when you open it up.

5 A. Roughly similar to other browsers, yes.

6 Q. Now, you talked yesterday about some of the details of  
7 what the website said on it as far as warnings to users, rules  
8 and so forth.

9 Now, you're familiar with the fact that there are  
10 websites, both legitimate and illegitimate on the internet  
11 that advertise on other websites.

12 A. Yes.

13 Q. For instance, there are some websites where if you click  
14 on links you will get pop up ads for websites that you didn't  
15 know anything about that are trying to get you to go to their  
16 website.

17 A. It's certainly a possibility, yes.

18 Q. What -- now once you -- you told us that you actually  
19 created a -- an account on PlayPen so that you could be a user  
20 and see what was going on on the website and create the  
21 exhibits that we've seen since yesterday, right?

22 A. Yes, sir.

23 Q. And you recall that there was something saying that --  
24 for when users first logged in saying that this website is  
25 never going to send you email.

1 A. Correct.

2 Q. And that was for security reasons to maintain anonymity  
3 at both ends.

4 A. The primary purpose, yes.

5 Q. Are you aware -- oh, and you're aware that after  
6 Mr. Chase was arrested, the government actually ran that  
7 website for a period of time?

8 A. I'm aware of that, yes.

9 Q. Either before or after Mr. Chase's arrest, while it was  
10 just running, how ever it was running, and when the government  
11 was running it, did this website ever send out pop-ups to  
12 other websites?

13 A. No, not that I'm aware of.

14 Q. Did it ever -- were there ever any legitimate websites  
15 where there were advertisements on the site to come use  
16 PlayPen?

17 A. That -- that the government created?

18 Q. Or that were on there before the government took it over.

19 A. I'm confused by the question. If you could ask it again.

20 THE COURT: Well, that's a compound question. Go  
21 with one element at a time.

22 MR. ADOLF: I'm sorry.

23 Q. Back when you were just acting as a user on the site  
24 gathering information about it, were you aware of  
25 advertisements on any other websites in the world, such as the



1 banners you see on the side of Google when you do a search, or  
2 ESPN when you're looking at sports scores advertising for  
3 PlayPen?

4 A. There were other -- as I mentioned yesterday -- the  
5 hidden wiki type sites for the Hard Candy sites that contained  
6 indexes of hyperlinks to various hidden services for child  
7 pornography and child erotica, certainly the PlayPen URL was  
8 listed on that particular hidden wiki page.

9 Q. So what you're saying is other people had found the  
10 PlayPen website, obviously, because it had tens of thousands  
11 of users as you testified to, right?

12 A. Correct.

13 Q. And some of those people would post somewhere else,  
14 basically, "Look, I found this website, PlayPen. You should  
15 check it out." And there would be a link to it.

16 A. It's certainly possible that other users had posted a  
17 link in other parts of either the Tor network or the internet  
18 in general.

19 Q. And the reason that people would want to see those is  
20 because otherwise there's no way to find these websites,  
21 right?

22 A. You would have to know that specific URL to access the  
23 site, yes.

24 Q. Google search, Bing search, whatever, is not going to  
25 come up with anything.

1 A. If somebody had posted it on -- for lack of a better  
2 term -- the regular internet, the website and you Googled it,  
3 there's a possibility you could find the URL that way.

4 Q. But from the rules you showed us on the website that you  
5 would have to see as any user, whoever was running it was  
6 trying to avoid that, trying to keep it secret.

7 A. I wouldn't say that's correct. The administrator running  
8 the site, the purpose of running the site is to obtain  
9 membership and allow users to register and sign in and access  
10 and post material to the site.

11 Q. It wasn't advertised anywhere outside the site, right?

12 A. Well, it was certainly posted on the Hard Candy hidden  
13 wikis.

14 Q. By other users?

15 A. I don't know who posted it on there.

16 Q. Now, the main thing you told us about the Tor network  
17 yesterday that makes it different from the ordinary internet  
18 is that if you do things properly on it, if you are using the  
19 correct browser, at the other end if you're running the site  
20 correctly it maintains anonymity at both ends.

21 A. That's the intent of it, yes.

22 Q. And what that means is, if you are a user and you log  
23 into that website going through Tor, the website doesn't know  
24 where you are or who you are.

25 A. Generally speaking that's correct.

1 Q. Now, you told us about the server that -- I think you  
2 told us about the server where this website actually sat. The  
3 computer that it actually sat -- where the data was stored  
4 which is in Lenoir.

5 A. I don't believe I testified as to the server location of  
6 the website.

7 Q. Well, you're aware of what the server location was,  
8 right?

9 A. I'm aware generally where it was, yes.

10 Q. Well, you know that it was at a company called  
11 CentriLogic.

12 A. I'm aware of that, yes.

13 Q. And CentriLogic is a legitimate data storage company.

14 A. As far as I know, yes.

15 Q. What they do is, they have stacks of servers that are air  
16 conditioned cooled in a building somewhere and companies pay  
17 them money to store their data on it.

18 A. That's my assumption, yes. I didn't have any direct  
19 interaction with the company.

20 Q. But you're aware from talking to other agents, from being  
21 involved in this investigation for whatever it was, a year and  
22 a half, that that is a business like any other business that  
23 hosts websites from hundreds of thousands of legitimate  
24 businesses.

25 A. To my knowledge, yes.

1 Q. And those kinds of servers -- CentriLogic, obviously a  
2 commercial service that rents space to people, they don't  
3 know, necessarily, what's on all the servers, right?

4 A. Not necessarily, no.

5 Q. They don't know that somebody might be storing child  
6 pornography on it.

7 A. Again, I'm not familiar with exactly how that company  
8 operated but that's certainly a possibility.

9 Q. Well, the way that these companies generally work, they  
10 have ordinary servers, they just have more storage capacity  
11 and better equipment than is available to say a small business  
12 or an individual and so you host your website there instead  
13 of --

14 A. Generally speaking for ease of use, et cetera.

15 Q. And those kind of servers like most normal servers keep  
16 logs of the activity on the server, right?

17 A. Again, it's depending on the company itself. It's  
18 certainly possible that companies keep logs. There's no --  
19 not necessarily a requirement that logs are kept, but -- so I  
20 would say it's company specific.

21 Q. Well, logs are kept in this case.

22 A. I had -- my role in this case was not to review the  
23 server logs. So I don't have any direct knowledge of what was  
24 on the server or what wasn't.

25 Q. Well, when you say "direct knowledge," you're aware as

1 you sit here from working on the case and talking to the other  
2 agents, and so forth, that when the government found the  
3 server and seized it, there were logs on it showing whenever  
4 somebody logged in, whenever did anything, there were logs  
5 that in an ordinary server if it working on the ordinary  
6 internet would show where they were.

7 MR. JONES: Your Honor, I believe the witness  
8 already answered this question.

9 THE COURT: Overruled.

10 THE WITNESS: I believe there were some sort of logs  
11 on there. But, again, I don't know what those were. That  
12 wasn't part of my role.

13 MR. ADOLF: If I could pull up -- I'm going to ask  
14 the Government to pull up Exhibit 2. I don't believe there is  
15 contraband on there, but --

16 Q. If you could look on your screen at Exhibit 2. That's  
17 the agreement that you have to look at and click that you  
18 agree on it before you set up an account on PlayPen; is that  
19 right?

20 A. That's correct.

21 Q. And I guess there's one line in all caps, then there's  
22 another line -- a single line, then there's a paragraph,  
23 another line, in the middle there's some text that says, "Spam  
24 flooding, advertisements, chain letters, pyramid schemes, and  
25 solicitations are forbidden on this forum," correct?

1 A. Right.

2 Q. Advertisements are forbidden, right?

3 A. I'm sorry.

4 Q. Advertisements, what it says, advertisements --

5 A. Yes, that's included on there.

6 Q. You can take that down. Thank you.

7 Now you identified a bunch of child pornography that  
8 different users had posted on the website both this morning  
9 and yesterday. Do you recall doing that?

10 A. Yes.

11 Q. The exhibits I have -- exhibit numbers I have included  
12 Exhibit 7, 8a -- I'm not asking the government to pull these  
13 up right now, 7, 8a, 8, 13, 30, 31, 32, 33, 34, 37, 39a. Do  
14 you recall identifying those exhibits and displaying the  
15 pornography on there to the jury yesterday and today?

16 A. Yes. I don't have the exhibits in front of me but that  
17 sounds correct.

18 Q. None of those were posted from the PlayPen account, were  
19 they?

20 A. I don't know which -- I believe there were child  
21 pornography images that we displayed that I testified about  
22 that were posted by the PlayPen user. I don't know what  
23 specific exhibit numbers those were.

24 Q. We saw a lot this morning from Stretch Armstrong, I guess  
25 it was.

1 MR. JONES: Your Honor, if he would like to show the  
2 witness the exhibit list and what he's referring to, we're  
3 happy to oblige.

4 MR. ADOLF: That's fine. I'll just move along.

5 Q. Now, you also showed us how you were able to capture how  
6 the particular user who had posted a particular image and data  
7 about that user.

8 A. Correct.

9 Q. And that included how many times that user had posted,  
10 right?

11 A. How many -- there were sections on the site that recorded  
12 how many total posts a particular user had made.

13 Q. Some of them were over 100 times.

14 A. That's correct.

15 Q. Now, you've worked on these cases for a number of years,  
16 right?

17 A. Yes, sir.

18 Q. And you've seen the same images over and over again  
19 through these investigations very often; is that right?

20 A. I think some cases, yes.

21 Q. When someone is posting 100 times, that doesn't mean they  
22 have taken 100 pictures of a child somewhere, or necessarily  
23 that they've taken 100 videos of a child somewhere, right?

24 A. Not necessarily, no.

25 Q. Very often it's -- these are images that had been out

1 there for years or even decades going back to the '80s, the  
2 '90s, right?

3 A. It's certainly a possibility.

4 Q. For a lot of these images the government has already  
5 identified who those children were.

6 A. In some cases.

7 Q. Some of them are grown -- plenty of them are grown adults  
8 by now.

9 A. In some cases.

10 Q. If I can see Exhibit 13, please.

11 The post on top, do you see that's a user saying, "This  
12 girl, she is one of the all time CP greats."

13 A. Yes, sir.

14 Q. And what that user is referring to is that this is an  
15 image -- or these are pictures that had been widely circulated  
16 on the internet in the past and expecting that most of the  
17 users on this site are already familiar with it. Is that a  
18 fair statement?

19 A. In general, in this context, that would be correct.

20 Q. Scroll down. Yeah, you can show the jury that one part,  
21 yes. All right. And you can stop right there.

22 And you see the -- you can see the reply to that by  
23 somebody who uses the name M-o-d-o-m.

24 A. Yes, sir.

25 Q. And that person is replying, "Most of the old timers here



1 have all these classics, if 2004 is old enough to be classic."

2 Then it talks about how users even complain about the  
3 fact that these images are really old and everyone's seen them  
4 before and the debate about putting them up -- why they should  
5 be putting them up at all, and it's because there may be  
6 people who haven't seen them before.

7 A. That's correct, yes.

8 Q. You can take it down.

9 MR. ADOLF: Pull up Exhibit 3 for me. Let me see it  
10 first. Scroll through it. I can't see it.

11 MS. RANDALL: I'm sorry.

12 MR. ADOLF: Can you scroll down to the bottom? A  
13 little bit up. Okay. If you could stop right there. And you  
14 can show that to the jury.

15 Q. At the bottom of this post or screen shot it lists the --  
16 that there are actually forums in other languages on the  
17 PlayPen website, right?

18 A. Yes, sir.

19 Q. A lot of them are in English, but there are specific  
20 areas, specific forums where people who speak other languages,  
21 are in other countries, can talk to each other in their own  
22 languages, right?

23 A. Correct. Majority of the site was in English. There was  
24 a small section here that was divided into several different  
25 foreign languages.

1 Q. So there are, I guess, chat boards or whatever you want  
2 to call them where people who are speaking Italian can go,  
3 Portuguese, German, Spanish, one from the Netherlands, right?

4 A. Correct.

5 Q. Where they speak -- they're presumably speaking Dutch?

6 A. Correct.

7 Q. And then Russian.

8 A. Yes, sir.

9 Q. Now, all of these forums have their own moderators,  
10 right?

11 A. There were local moderators for each of these, yes.

12 Q. What that means is, there are the regular users and then  
13 there are some people who are sort of in charge of that small  
14 section of the website.

15 A. In general, yes. Just overseeing the activity that's in  
16 there.

17 Q. Now you showed us yesterday and you've looked at the  
18 profile for the PlayPen user account. I'm not talking about  
19 the whole website, but I'm talking about the account PlayPen.

20 A. Yes, sir.

21 Q. PlayPen was not any kind of moderator for the Netherlands  
22 board, right?

23 A. No. The PlayPen account was the administrator.

24 Q. But when you say the administrator, you mean for the  
25 whole website?

1 A. Correct.

2 Q. But as far as just the Netherlands section, there are  
3 people who specifically work on that section and that did not  
4 include PlayPen; is that right?

5 A. Well, that section was a part of the whole site.

6 Q. Right.

7 A. But there was a specific moderator assigned to that one  
8 section.

9 Q. Right. And the moderator -- if you could just highlight  
10 the word "Netherlands" and the moderator name under it. Thank  
11 you.

12 Moderator of the Netherlands section is somebody called  
13 "Dark Mon."

14 A. Yes, sir.

15 Q. Are you aware of -- I'll put it a different way.

16 We talked earlier about the fact that the FBI was  
17 investigating Mr. Chase, both before he was arrested and the  
18 investigation into this case continued after that, right?

19 A. Yes, sir.

20 Q. And as a special agent with the FBI, you work for the FBI  
21 which is in turn part of the Department of Justice, which is  
22 in turn part of the Executive Branch of the United States  
23 headed by the President, right?

24 A. Yes, sir.

25 Q. And you work with other agencies in the course of

1 investigations?

2 A. Yes, sir.

3 Q. You, for instance, the FBI works with the Department of  
4 Homeland Security on a routine basis.

5 A. In various cases, yes.

6 Q. And the Department of Homeland Security and its branches  
7 keeps track of anytime anyone enters or leaves the United  
8 States, right?

9 A. I believe that's part of their role. I'm not -- I don't  
10 work for HSI so I don't know exactly what they do but that  
11 seems to be a reasonable part of their job responsibilities.

12 Q. Well, you're familiar with the fact that the FBI  
13 sometimes needs to check whether someone has left the country  
14 or returned to the country at a certain time.

15 A. Yes, sir.

16 Q. And that's information you get from the Department of  
17 Homeland Security.

18 A. It's one of the ways, yes.

19 Q. Because they keep entry and exit records through customs,  
20 and so forth.

21 A. Yes.

22 Q. Any evidence that Mr. Chase has ever been to the  
23 Netherlands?

24 A. Not that I know of, no.

25 MR. ADOLF: Let me pull up Exhibit 18, please. Yes

1 the jury can see that.

2 Q. Now you told us that, although because of Tor and the way  
3 it works and the way the website was supposed to work, the  
4 website can identify who the actual user really is, other than  
5 just by a username and password that they make up. The  
6 website does store for a particular user, information about  
7 what that account has been doing, right?

8 A. Yes. That was an option. This type of software allows  
9 the administrators to choose that. In this case the site was  
10 set up to keep track of certain statistics of users on the  
11 site.

12 Q. So even if you didn't know who a particular user was in  
13 real life, you could at least look at the account and see how  
14 many times they had posted, how many hours they spent on the  
15 site, and even broken down to what smaller areas of the site  
16 they were using or not using.

17 A. Yes, sir.

18 Q. What we're looking at here, Government's 18, is the  
19 profile for the PlayPen account.

20 A. That's correct.

21 Q. That is the account that the government, your  
22 investigation, is saying was Mr. Chase's account, right?

23 A. I didn't testify to that but that's -- this is the  
24 statistics page of the PlayPen account.

25 Q. On the lower right you have the most popular boards that

1 that particular account has been on by how many posts has on a  
2 particular board, right?

3 A. In the general -- or the left-hand corner of the site  
4 where it has different posts made by that user to those  
5 specific sections of the board.

6 Q. Right. So, for instance, for the PlayPen account, most  
7 of them were on the "General Discussion" board and then there  
8 were others that had less activity, right?

9 A. Yes, sir.

10 Q. Now, over on the right we see a different statistic,  
11 which is the most popular boards by activity. You see what  
12 I'm talking about, lower right there?

13 A. Yes, sir.

14 MR. ADOLF: Let me ask the Government to zoom in on  
15 that corner of the board, basically.

16 Q. And what you're seeing here is, whoever is controlling  
17 the PlayPen account, how much time they're spending in each  
18 particular area of the website, right?

19 A. I believe that's what this is recording. This is the one  
20 part of the statistics page I wasn't as familiar with how  
21 those stats were actually kept on the site.

22 Q. Well, that's -- for instance, looking at that list,  
23 that's not every group or area of the site that that account  
24 has been on. That's just the ones that it's been most active  
25 on.

1 A. It's just a section of the site, yes, or a section of the  
2 post, yeah.

3 Q. "PlayPen Information and Rules" is the time that that  
4 account has spent the most time on, right?

5 A. Yes, sir.

6 Q. The fourth one down is the Russian language area that we  
7 talked about, right?

8 A. Correct.

9 Q. So what this tells us that -- is that of all the areas of  
10 the website, that somebody using the PlayPen account was  
11 working on or doing stuff on, the one that they spent the  
12 fourth most time on was the Russian language one.

13 A. It appears to be from this, yes.

14 Q. The posts there are in Russian.

15 A. The intent -- there could be other languages in there  
16 including English. But the main point of those sites was that  
17 the text, at least, of the sites was in a foreign language.

18 Q. Now you just told us about the government's resources and  
19 ability to track whether somebody has ever left the country or  
20 returned to the country and the particular time and place they  
21 did it, right?

22 A. Yes, sir.

23 Q. Has Mr. Chase ever been to Russia?

24 A. Not to my knowledge, no.

25 Q. Now, the government has, in the course of this

1 investigation, got access to Mr. Chase's Facebook page, right?

2 A. Yes, sir. We were able to view his Facebook page.

3 Q. And get some location data from that page, posts that he  
4 made and so forth, that the government is using to show, for  
5 instance, that he was in Maine at a certain time or in Florida  
6 at a certain time; you're aware of that, right?

7 A. I'm aware of the Facebook account in general. I didn't  
8 personally review the logs or any of the results from any  
9 legal process that was served.

10 Q. But there's nothing on his Facebook page that indicates  
11 that he's ever been to Russia, any Russian language posts,  
12 Russian language groups. No indication that he knows the  
13 Russian language, right?

14 A. Not to my knowledge, no.

15 Q. You're aware that he was born and raised in Delaware.

16 A. That's my understanding.

17 Q. And was living in Florida at the time he was arrested,  
18 right?

19 A. Yes, sir.

20 Q. Now, you are aware, of course, from -- both from your  
21 work with the FBI and for more generally that there are plenty  
22 of computer hackers that are based in Russia, right?

23 A. I'm aware of hackers that could reside in Russia, yes.

24 Q. We've all heard about that in connection with the  
25 politics recently --



1 A. Yes.

2 Q. -- with that going on from Russia, right?

3 Now I'm showing you -- this is a profile of a different  
4 user, right?

5 A. Yes. This is the statistics page for the -- another one  
6 of the administrators, Isabella.

7 Q. Isabella, is that one of the people actually charged in  
8 the indictment along with Mr. Chase?

9 A. I believe so, yes.

10 Q. Mr. Fluckiger?

11 A. Yes, sir.

12 Q. And this shows similar data for the account associated  
13 with him including, again, where most of the postings are and  
14 where most of the activity is, right?

15 A. Yes, sir.

16 MR. ADOLF: If we could just zoom in on the bottom  
17 right corner, "Most popular boards by activity." Thank you.

18 Q. So this shows what the account associated with  
19 Mr. Fluckiger was spending most of its time doing, right?

20 A. This, again, this was the one part that I'm not familiar  
21 with because the top percentage is the exact same percentages  
22 on the PlayPen account. So I'm not entirely sure what it's  
23 referencing.

24 Q. Well, there's nothing about foreign languages or foreign  
25 countries on there, right?

1 A. Not in this case, no.

2 Q. And Mr. Fluckiger is an American?

3 A. Yes, sir.

4 Q. He was also an administrator/moderator.

5 A. He was another one of the administrators, yes.

6 MR. ADOLF: You can take that down.

7 Your Honor, I'm putting up what I'm going to ask to  
8 be marked as Defense 1.

9 Q. Agent O'Donnell, I'm showing you a portion of a Cygnus  
10 report.

11 A. Yes, sir.

12 Q. Are you familiar with what a Cygnus report is?

13 A. Yes.

14 Q. That's a tool that the FBI, including yourself, use to  
15 arrange data that's been extracted from another computer; is  
16 that right?

17 A. It was a database that was created by our unit, yes.

18 Q. And the purpose of that database was -- is to collect all  
19 the information that was found on the PlayPen website server,  
20 and put in a format where you could look through it and use  
21 it; is that right?

22 A. Generally speaking, yes.

23 Q. Now, if you could just look at what you're seeing on your  
24 screen, this appears to be -- well, first of all, using this  
25 Cygnus report, the program that you just described that the

1 FBI uses, you can pull out the data from one account from the  
2 entire website and look at it, right?

3 A. Yes. This organized the data associated with a  
4 particular account on the site.

5 Q. So, for instance, you could look for -- you could list  
6 all the posts that came from a particular account and then  
7 identify particular posts and look at them.

8 A. Correct.

9 Q. Now, in this case what this appears to be is a -- first  
10 of all, this is information taken from the PlayPen account  
11 itself, right?

12 A. I believe so, yes.

13 Q. And what it reflects is a post that PlayPen, his or  
14 herself made on -- well, on the left hand side you can see  
15 there's a list of dates, and account named "PlayPen" and a  
16 subject line for each date. Do you see what I'm looking at  
17 over there?

18 A. Yes, sir.

19 Q. And those reflect particular posts that were made from  
20 the PlayPen account and each one had a little title on it,  
21 just like as if it was, say, an email.

22 A. Yeah, I see the subject line below the PlayPen account.

23 Q. Then there's a particular one highlighted from August 25,  
24 2014.

25 A. Yes, sir.

1 Q. And what that highlight means is over on the right what  
2 you're seeing is what that comment was that was posted on that  
3 date that was posted in a longer discussion.

4 A. Yes, sir.

5 Q. Does that accurately reflect the data that was seized by  
6 the FBI from the PlayPen server in Lenoir?

7 A. Yes, sir.

8 MR. ADOLF: Your Honor, I'm going to ask to admit  
9 this as Defense 1.

10 THE COURT: That will be for your case and received  
11 for identification.

12 MR. ADOLF: For identification then, Your Honor, for  
13 Defense 1. Judge, I guess, I will need to keep the witness  
14 for recall when my case comes, just in case I haven't laid a  
15 sufficient foundation.

16 THE COURT: That will be fine.

17 MR. ADOLF: Thank you.

18 All right. So I guess at this point we don't  
19 display to the jury.

20 THE COURT: If there's no objection.

21 MR. JONES: No objection, Your Honor.

22 MR. ADOLF: Okay. Your Honor, I would ask that  
23 Defense 1 be displayed to the jury.

24 THE COURT: So ordered.

25 (Defendant's Exhibit No. 1 was published.)

1 Q. So this is a post that PlayPen made in August of 2014,  
2 right?

3 A. Yes, sir.

4 Q. And that is in Russian, right?

5 A. It appears to be, yes.

6 Q. Or some other language that uses an alphabet that's not  
7 ours.

8 A. Correct.

9 Q. I guess it could be Turkish or something of that nature?

10 A. Yeah, it's not English.

11 Q. Appears to be Russian.

12 A. Yes.

13 Q. Agent O'Donnell, you can see what we have up in front of  
14 you on the screen as being similar to what we just saw, a post  
15 from PlayPen, from the PlayPen account, that is --

16 A. Yes, sir.

17 Q. -- right? That one is in October of 2014.

18 A. Correct.

19 Q. And that's from the same account that we just saw that  
20 Russian post came from, right?

21 A. Yes, sir.

22 Q. And that one, in the context of some longer discussion,  
23 whoever PlayPen is, is referring to some other post, right?

24 A. It appears that way, yes.

25 Q. And is saying, "I only speak English so these posts make

1 me nervous since I cannot read them."

2 A. Yes, that's what it state.

3 Q. Seems to indicate that this particular person, whoever  
4 they are, is concerned that people are posting materials on  
5 this website that he or she cannot understand because he or  
6 she only speaks English, right?

7 A. That appears to be the concern, yes.

8 MR. ADOLF: Your Honor, I again offer this as  
9 Defense 2, and ask if the Government has any objection to  
10 showing this one to the jury as well?

11 MR. JONES: No objection, Your Honor.

12 THE COURT: All right. They may be viewed for  
13 identification purposes.

14 MR. ADOLF: Thank you, Judge.

15 (Defendant's Exhibit No. 2 was published.)

16 Q. Special Agent O'Donnell, I'm showing you some more data  
17 from the government Cygnus report, another posting by PlayPen.  
18 And this posting is from January 5 of 2015. Do you see that?

19 A. Yes, sir.

20 Q. And there's a pink section where it says something about,  
21 "There's one source we can trust, a freaking English grammar  
22 book." Right? You see that pink section?

23 A. Yes, sir.

24 Q. The way the Cygnus report is set up, what that reflects  
25 is, that's not what PlayPen posted. That's what PlayPen is

1 replying to.

2 A. Correct.

3 Q. So it's like when you -- someone sends you an email and  
4 you reply, their original email might be below or above what  
5 you type, but it's all included, right?

6 A. Similar, here, yes. Everything in the pink box was  
7 posted by a different user.

8 Q. So somebody else, some other user posted something  
9 criticizing PlayPen's bad grammar.

10 A. Or somebody's grammar, yes.

11 Q. So I guess even on child pornography websites people are  
12 picky about grammar.

13 A. Could be, yes.

14 Q. And you see that PlayPen gave a response down there.

15 A. Yes, sir.

16 MR. ADOLF: Your Honor, I would ask to identify this  
17 as Defendant's 3 -- as Defense 3 and ask if the Government has  
18 an objection to showing it to the jury.

19 MR. JONES: No objection, Your Honor.

20 THE COURT: All right. So allowed.

21 (Defendant's Exhibit No. 3 was published.)

22 Q. Now, what we're looking at here is the original post by  
23 somebody else that says, "Complaining that somebody doesn't  
24 know the difference between your and you're with an apostrophe  
25 and your y-o-u-r, right?

1 A. Yes, sir.

2 Q. And the difference between two, to and too?

3 A. Yes, sir.

4 Q. Again, that's something that there are plenty people  
5 around the world that seem to get irritated about in English,  
6 whether it's on websites or elsewhere, right?

7 A. Yes, sir.

8 Q. And PlayPen responded to that.

9 A. Correct.

10 Q. Saying, "I'm sorry, Miss Perfect, English is not my or  
11 many of us first language. More time loving and less time  
12 pointing finger, please."

13 A. Correct.

14 Q. And that is PlayPen resenting the fact that somebody is  
15 criticizing English, when English is pretty hard to learn if  
16 you're not a native English speaker, right?

17 A. That's what the text is attempting to portray, yes.

18 Q. Exhibit 19, please. I'm showing you what's already in  
19 evidence as Government's Exhibit 19.

20 I'm showing you what's already in evidence as -- I guess  
21 you already identified as Government's 19, another posting  
22 from PlayPen.

23 A. Yes, sir.

24 Q. And this one -- this is somebody talking -- this is  
25 PlayPen, whoever is on the PlayPen account or actually logged



1 in as PlayPen, just issuing a general thank you for all the  
2 participation in it and the fact that it's been up for 16 days  
3 at that point and already has 26,000 members.

4 A. Yes, sir.

5 Q. Now we discussed the fact that commercial servers, in  
6 general, keep logs of when people log in and record the  
7 information when a certain account logs in, where, when it  
8 happened, and where it came from.

9 A. They can keep logs, yes.

10 Q. And in this case the server that was housing PlayPen did  
11 keep those logs, right?

12 A. Again, I'm not familiar with what those logs were. That  
13 was not part of my role in this case.

14 MR. ADOLF: You can take that down.

15 Q. Now you told us about your long experience investigating  
16 cases and particularly focusing on internet-based cases --

17 A. Yes, sir.

18 Q. -- yesterday, right?

19 And you are aware that -- and we talked earlier also  
20 about hackers.

21 A. You mentioned it, yes.

22 Q. And the fact that it's possible if you're just browsing  
23 the regular internet or anywhere else and you click on a link  
24 that you don't know it could actually be mal-ware.

25 A. It's certainly a possibility. You can click on a link

1 that contained mal-ware.

2 Q. And what mal-ware does is, it -- mal-ware can be for all  
3 kinds of purposes, but it's also something that people use  
4 nefariously, the criminals use to get people's information,  
5 for instance.

6 A. It's possible, yes.

7 Q. Well, you're familiar with that from your computer  
8 expertise at the FBI, right?

9 A. I'm familiar with the possibility, yes.

10 Q. And, in fact, mal-ware can end up on someone's computer  
11 because of something they clicked on, can extract information  
12 from the computer, and then can send it to somebody anywhere  
13 in the world and can be set up that way and yet leave no trace  
14 on that person's computer.

15 A. I mean, that's a very generalized hypothetical statement.  
16 There is all kinds of different mal-ware so all kinds of  
17 different functionality. I'm certainly no expert in the  
18 different types of mal-ware that exist.

19 Q. Well, there are programs that if a person, for instance,  
20 tries to download a picture or video, can, while that's  
21 happening, also extract information from their computer and  
22 send it somewhere else without them knowing it and leave no  
23 trace on the computer; isn't that right?

24 A. I'm not sure that I would say in all cases it would leave  
25 no trace. It's certainly a possibility that mal-ware can

1 perform actions without a user's knowledge but just in a very  
2 general sense.

3 Q. Well, I guess what I'm specifically asking you is, isn't  
4 it true that there are programs out there that can, if set up  
5 a certain way, user downloads something or attempts to  
6 download something, and what they get along with it is a  
7 program that is sending their information to someone else that  
8 they don't know about and leaves -- and once that's done  
9 leaves no trace on their computer. You are familiar with that  
10 kind of software, are you not?

11 A. There's a possibility that exists. I'm not familiar with  
12 specific mal-ware software. I'm not a mal-ware expert.

13 Q. Well that was used in this case, wasn't it?

14 A. Not during this period of the investigation. And as far  
15 as anything -- any operation that the government conducted  
16 after Mr. Chase's arrest, I had a supporting role but not a  
17 direct role in the specifics of that part of the  
18 investigation.

19 Q. Well, maybe you weren't the one that did it, but you are  
20 aware that the government used software just like that in this  
21 case, right?

22 A. There was software that was used. I don't know that I  
23 would generally describe it exactly like that. But there was  
24 software that was used in this case.

25 Q. Well, what the software did, correct me if I'm wrong is,

1 because it's so difficult to figure out where somebody is who  
2 is using this website on Tor, right?

3 A. Correct.

4 Q. Even -- okay. Let me back up.

5 Mr. Chase was arrested. The server was seized by the  
6 FBI, right?

7 A. Yes, sir.

8 Q. And we talked about the fact that commercial servers keep  
9 logs of where someone is logging in from, IP address that law  
10 enforcement can then generally go to find them.

11 A. Again, servers can keep logs and those logs can include  
12 IP addresses.

13 Q. But in this case the FBI knew going in that that  
14 information was not going to be in those logs because the  
15 whole thing is on Tor, right?

16 A. Yes. Legitimate IP addresses generally would not be  
17 found in a case like this.

18 Q. What you mean by legitimate is, you wouldn't be able to  
19 see from the log where that log in came from?

20 A. Not the originating computer, no.

21 Q. Which is what you're looking for. If you seize a child  
22 pornography website, you want to find the people who have been  
23 putting the porn on it and taking it down off it, people who  
24 are using it, right?

25 A. That's certainly one of the goals of child pornography

1 investigation.

2 Q. And it was the goal of this investigation, wasn't it?

3 A. Along with the attempting to find victims, determine the  
4 administrators and other things, but certainly, yes.

5 Q. And you couldn't do any of that until you could find  
6 those users.

7 A. Correct.

8 Q. And the problem was, because people were accessing this  
9 over Tor, there was no information in those logs about who  
10 they were.

11 A. Generally, no.

12 Q. And even when the FBI took over the site and continued  
13 running it, when people were logging in, you all couldn't even  
14 see who they were or where they were even when you were  
15 running the site yourself.

16 A. I -- in general we weren't able to see the actual IP  
17 addresses of users, without utilization of a different law  
18 enforcement technique.

19 Q. And by "different law enforcement technique" you mean the  
20 kind of mal-ware that I was talking about.

21 A. Well, I believe the technique that was used did not take  
22 over anybody's account. It did not hack anybody's account.  
23 The technique merely provided us with the actual originating  
24 IP address of the original computer.

25 Q. All right. Well, maybe the word "hack" is not precise.

1 Let me be a little more precise.

2 What the FBI did was, they continued to run this website  
3 PlayPen, right?

4 A. For a period of time, yes.

5 Q. Right. Leaving it as it was and allowing it to operate  
6 in an effort to catch the users.

7 A. Yes, sir.

8 Q. There was no way to catch the users just by running the  
9 website and looking at the trap?

10 A. Generally, no.

11 Q. Because the users were hidden because of Tor.

12 A. Yes, sir.

13 Q. So instead what the FBI did was, they put a program --  
14 added a new program software, mal-ware, whatever you want to  
15 call it -- you can use whatever term you like -- to that site  
16 that wasn't on there before.

17 A. To certain sections of the site, yes.

18 Q. And what this meant was, now once the FBI was running the  
19 site, anyone who logged on to it and tried -- they would have  
20 to log in first and then go find some image or video they  
21 wanted and download it.

22 A. They could go to various parts of the site and attempt to  
23 download, click on the external links that were posted by  
24 other users and then attempt to download the contents from the  
25 websites, videos, files. But they certainly could view other

1 people's posts, posts themselves, all the things we discussed  
2 this morning and yesterday.

3 Q. Right. But something new was going on also that wasn't  
4 going on back before the FBI took over the site, right?

5 A. If you're talking about the technique we're discussing  
6 here, yes, that was new.

7 Q. What this meant was, anytime somebody signed into the  
8 site and downloaded an image or a video or what have you, the  
9 kinds of images that you showed us earlier, they would get the  
10 image but they would also get something else on their computer  
11 they didn't know about.

12 A. No, that's not correct. They didn't need to download --  
13 any actions that a user took to download images or videos was  
14 separate and completely irrelevant to the technique.

15 Q. Okay. What would happen is, when someone signed into the  
16 website and started or attempted or what have you to download  
17 any picture or whatever, they would also be downloading a  
18 program that the FBI had inserted on the website. And that  
19 program would, without their knowledge, gather information  
20 from their computer, including about where they were, and send  
21 that to an FBI server somewhere else, right?

22 A. My understanding was on certain sections of the site this  
23 technique was implemented. That when users visited those  
24 specific sections that this technique was able -- in some  
25 cases certainly not all -- to potentially obtain the user's

1 true IP address.

2 Q. Without them knowing.

3 A. Correct.

4 Q. And without leaving any trace on their computer.

5 A. Again, that -- the specific technique that was used I  
6 had -- I'm not a forensic examiner, I'm not a computer  
7 programmer. I don't know the specifics of the actual  
8 technique. All I know was that we were able in certain cases  
9 to obtain the user's true IP address.

10 MR. ADOLF: No further questions, Your Honor. Thank  
11 you.

12 THE COURT: Redirect -- it's time for our morning  
13 break, members of the jury. We'll take a 15-minute break.  
14 Please remember all the instructions I've given you. Keep an  
15 open mind about the case and don't discuss it. Call for you  
16 in 15 minutes. Thank you.

17 (The jury was escorted from the courtroom.)

18 (Recess at 11:05 until 11:21.)

19 THE COURT: Okay. The parties ready to resume?

20 MR. ADOLF: Yes, Your Honor.

21 MS. RANDALL: Yes, Your Honor.

22 THE COURT: May we have the jury, please.

23 (The jury was returned to the courtroom.)

24 THE COURT: All right. The jury is with us.

25 Redirect examination.



1 MR. JONES: Just a few questions, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. JONES:

4 Q. Agent O'Donnell, before we took a break Mr. Adolf was  
5 asking you questions in regards to the FBI operation of the  
6 site. Now the technique that the FBI used to identify other  
7 child pornography users on this website, did that have  
8 anything to do with the identification of Mr. Chase?

9 A. No, sir.

10 Q. Okay. Was he identified and arrested prior to any  
11 technique by the FBI to identify other users?

12 A. Yes.

13 Q. Now in order for you to get on -- to get to the log-in  
14 page of the PlayPen website was -- you mentioned before, was  
15 there a specific address you had to enter?

16 A. The user would have to know the URL of the specific site,  
17 yes.

18 Q. You couldn't just happen on the site?

19 A. No.

20 Q. And once you logged into the site -- we looked at, I  
21 believe, Government Exhibit 2 was an index section consisting  
22 of various sections of the site. Let me show it to you very  
23 quickly. Government Exhibit 3, just briefly.

24 So these various sections starting with the "General"  
25 category, "PlayPen Chant, Jailbait Videos," was that

1 accessible to any user who would access the site? Anybody  
2 that got on the site would see that?

3 A. After either logging on or registering an account, yes.

4 Q. Okay. Were there any postings or images of adult  
5 pornography on the site?

6 A. No, not that I was aware of.

7 Q. This entire site was a child pornography site.

8 A. That was the reason for the site's existence, yes.

9 Q. With children as young as --

10 A. As infants.

11 MR. JONES: No further questions.

12 THE COURT: You may step down.

13 MS. RANDALL: Your Honor, the Government's next  
14 witness is James Meade.

15 JAMES MEADE, GOVERNMENT WITNESS, SWORN

16 DIRECT EXAMINATION

17 BY MS. RANDALL:

18 Q. Good morning, sir. Can you please introduce yourself to  
19 the jury.

20 A. My name is Jim Meade and I'm a special agent with the  
21 FBI. I'm assigned to our Charlotte Division, but I work out  
22 of our satellite office located in Hickory.

23 Q. And how long have you worked at the FBI?

24 A. For over 20 years now.

25 Q. And what kind of responsibilities do you have working for

1 the FBI?

2 A. I work a wide range of violations, primarily due to the  
3 fact I cover a large geographic area, pretty much cover the  
4 whole foothills area of North Carolina.

5 Q. Are you sometimes asked to assist with investigations  
6 that are being conducted by other FBI offices or squads?

7 A. Yes, ma'am, I am.

8 Q. Did you receive such a request for assistance back in  
9 February of 2015 from Special Agent Alfin?

10 A. Yes, I did.

11 Q. What were you asked to do?

12 A. I was asked to execute a search warrant at a business  
13 located in Lenoir by the name of CentriLogic.

14 Q. I'm sorry. Go ahead.

15 A. Ma'am?

16 Q. Did you in fact execute that search warrant?

17 A. I did. It was on February 23, 2015.

18 Q. And what were you there to seize that day?

19 A. I seized the hard drives associated with a particular  
20 CentriLogic customer.

21 Q. I'm showing you what I marked as Government 70a, 70b, 70c  
22 and 70d. Do you recognize those items?

23 A. Yes, ma'am. Three hard drives, I'm sorry, four hard  
24 drives. Three of them are Hitachis and the fourth one is  
25 Western Digital.

1 Q. Where did they come from?

2 A. They came from CentriLogic.

3 Q. And are those the hard drives you received in response to  
4 serving the search warrant on February 23, 2015?

5 A. Yes, ma'am.

6 MS. RANDALL: Your Honor, the Government would move  
7 to introduce Exhibit 70a into evidence -- or 70a through d  
8 into evidence.

9 THE COURT: Let it be admitted.

10 (Government's Exhibits No. 70a-d were received into  
11 evidence.)

12 Q. What did you do with those hard drives after you seized  
13 them?

14 A. After I seized them I transported them back to my office  
15 in Hickory where they were secured, and then the following day  
16 I transported them down to our evidence room in Charlotte.

17 Q. And at that point they're checked into evidence with the  
18 FBI?

19 A. Yes, ma'am.

20 MS. RANDALL: No further questions, Your Honor.

21 MR. ADOLF: No questions, Your Honor.

22 THE COURT: You may step down.

23 MS. RANDALL: Your Honor, I'm just going to get the  
24 exhibits.

25 MR. JONES: At this time, Your Honor, the Government

1 calls FBI Special Agent Dan Alfin.

2 DANIEL ALFIN, GOVERNMENT WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MR. JONES:

5 Q. Good morning, Agent Alfin. Would you please state and  
6 spell your name for the jury.

7 A. My name is Daniel Alfin. D-a-n-i-e-l. A-l-f, as in  
8 Frank, i-n.

9 Q. Agent Alfin, just introduce yourself and let the jury  
10 know where you are employed.

11 A. I am a special agent with the FBI. I am currently  
12 assigned to FBI headquarters, Criminal Investigative Division,  
13 Violent Crimes Against Children Section, Major Case  
14 Coordination Unit or MCCU for short. I've been assigned to  
15 this unit since approximately July 2014.

16 My investigative duties at MCCU involve international and  
17 wide ranging domestic investigations, individuals who use  
18 various types of technology to facilitate the production,  
19 distribution, advertisement and possession of child  
20 pornography.

21 The majority of my case work focuses on what has been  
22 referred to as the Tor network or also referred to as the Dark  
23 Web.

24 Prior to being assigned to the MCCU, I was assigned to  
25 the Albany, New York, division of the FBI from 2009 through

1 2014. While I was assigned to the Albany, New York, division  
2 I investigated a variety of both criminal and national  
3 security matters, including crimes against children, criminal  
4 computer intrusions or hacking, and national security computer  
5 intrusions.

6 Q. Prior to your assignment to MCCU, as well as in Albany,  
7 have you had any other FBI assignments in regards to other  
8 division, digital evidence, or any of that type of  
9 responsibility with the FBI?

10 A. Throughout my employment as an FBI agent I have picked up  
11 various ancillary duties. I am certified as a member of the  
12 FBI adjunct faculty program. I am certified to teach matters  
13 involving investigations in the crimes against children arena.  
14 I am also trained and certified to perform computer forensics.  
15 Prior to my assignment at the major case coordination unit I  
16 was a member of what is known as the FBI CAT or Cyber Action  
17 Team, and that's the FBI FLY team for computer intrusions. I  
18 think that covers almost everything.

19 Q. Okay. Agent Alfin, where were you employed prior to  
20 joining the FBI?

21 A. Prior to being employed by the FBI I was employed by a  
22 defense contractor, Raytheon Integrated Defense Systems, at  
23 the Naval Undersea Warfare Center in Keyport, Washington.  
24 While I was an employee of Raytheon I managed a number of  
25 computer servers and computer networks that were utilized by

1 Navy and Marine Corps squadrons.

2 Q. Just give the jury just a brief overview of your  
3 educational background.

4 A. I have a Bachelor's degree in information technology. In  
5 addition to that I have taken numerous courses in  
6 investigations of online crimes, computer forensics, analysis  
7 of network data and other -- other courses relating to my  
8 investigative duties.

9 Q. Have you also served as an instructor in any of those  
10 courses?

11 A. Yes. I have provided both formal and informal  
12 instruction to both domestic and international law  
13 enforcement, and other agencies, on numerous occasions. I  
14 have presented at various security conferences over the past  
15 several years.

16 Q. Have you testified in any federal trials before?

17 A. I have. I have testified in two federal trials. I  
18 testified in a federal corruption trial in Albany, New York.  
19 And I also testified in a child pornography trial in Vermont.

20 Q. Switching gears, Agent Alfin, to the investigation of the  
21 PlayPen child pornography website. Did you participate in the  
22 investigation of this website?

23 A. I did.

24 Q. When did you become involved in the investigation?

25 A. I became aware of the PlayPen website shortly after it

1 came on line, approximately August 2014. At that time, links  
2 to the PlayPen website were advertised on other websites that  
3 contained links to child pornography and child erotica  
4 websites. One of them was called "Hard Candy" which was a  
5 section of the hidden wiki. Another one was called "Topic  
6 Links" which similarly contained links to child exploitation  
7 material, sites advertising child exploitation material.

8 So in August of 2014 I became aware of the PlayPen  
9 website. I accessed it. I observed that it was, in fact, a  
10 website dedicated to the advertisement and distribution of  
11 child pornography. And given the fact that it existed on the  
12 Tor network at that time, there was not much that the FBI  
13 could do to find out where the site was or shut it down or  
14 find any of its members. So for the next several months we  
15 monitored the website but there was not much we could do about  
16 it, again, as I said.

17 In December of 2015 we received information that the  
18 website had actually been misconfigured and that you could  
19 access it over the normal internet. I verified this myself,  
20 and I confirmed that you could, in fact, access the PlayPen  
21 website over the normal internet if you knew its exact IP  
22 address.

23 And just to clarify, an IP address is what a computer  
24 uses to communicate over the internet. So any home computer  
25 or any website that you access, which is actually just hosted



1 on a very powerful computer somewhere else, they communicate  
2 through the use of IP addresses. They can be thought of as  
3 the phone number for your computer.

4 And so now that we knew the IP address or the phone  
5 number for the website PlayPen, we opened up an investigation  
6 in early January 2015.

7 Q. You said you were able to access IP addresses as a phone  
8 number. This is based on you being able to access the website  
9 over the regular internet or the normal internet?

10 A. Yes, that's correct. I was able to access the PlayPen  
11 website directly over the regular internet not going through  
12 the Tor network or through the Dark Web, as it's been referred  
13 to.

14 Q. Okay. Upon obtaining the IP address for this child  
15 pornography website, what were your next steps in this  
16 investigation?

17 A. At this point we took a number of steps. First, now that  
18 we knew the IP address of the server hosting PlayPen, we were  
19 able to use that IP address and look it up in publicly  
20 available databases.

21 Once you have an IP address there are a number of  
22 websites on the internet where you can go to and figure out  
23 who owns that IP address. What company it is. Is it Comcast?  
24 Is it TimeWarner Cable? All that information is publicly  
25 available. And so I looked up the IP address associated with

1 the PlayPen website. And I determined that the PlayPen  
2 website was being hosted at CentriLogic, a company in Lenoir,  
3 North Carolina.

4 Q. And just briefly, for the jury, explain when you say  
5 "being hosted at a facility in Lenoir, North Carolina," what  
6 does being hosted actually mean?

7 A. So companies like CentriLogic house multiple dozens or  
8 hundreds of powerful computer servers. And so people will pay  
9 money to lease space on those servers, or lease the entire  
10 server for their own personal use. Some people do this to  
11 host personal websites, share personal pictures and other  
12 things with people. Some businesses do this because it's  
13 cheaper and more cost effective than buying their own hardware  
14 and setting up a server, a computer server in their own  
15 office. This was the typical business model for a company  
16 like CentriLogic.

17 So someone was paying CentriLogic for space on one of  
18 their computer servers to host the PlayPen website.

19 Q. What did you do upon learning that CentriLogic was  
20 hosting this PlayPen child pornography website?

21 A. After we determined that CentriLogic was the company  
22 where the PlayPen website was located, we issued a subpoena to  
23 CentriLogic requesting information about the individual who  
24 was paying for that server space.

25 We requested that individual's name, phone number, any

1 records of logging into the CentriLogic website, and other  
2 customer data that was maintained by CentriLogic.

3 Q. Okay. All right. I'm showing you what has already been  
4 admitted as U.S. Exhibit 42.

5 A. I see the exhibit on my screen.

6 Q. Okay. All right. I am showing you -- all right.  
7 Looking at U.S. Exhibit 42. On the first of that page, if you  
8 could just -- what is the information? Just briefly describe  
9 what the information is on this page.

10 A. So this is one of the pages of information that  
11 CentrilLogic provided to us after being served with the  
12 subpoena. It contains information about the account that was  
13 registered to host the PlayPen website.

14 As you can see here on the screen, it appears that the  
15 individual who created the account at CentrilLogic did so  
16 under the name "Mike Taylor." Other information that was  
17 provided to CentrilLogic was an email address which  
18 is MikeT46589@Yahoo.com. There's also an address provided in  
19 Austin, Texas. There is a phone number provided.

20 And at the very bottom of the screen there is an  
21 indicator, that at the date that this information was provided  
22 to the government, the individual paying for the PlayPen  
23 server had paid approximately \$839 in hosting fees.

24 Q. Now, did you do any investigation on this Mike Taylor?

25 A. Yes. After receiving the information from CentrilLogic,

1 using various law enforcement databases and open source  
2 databases, I determined that Mike Taylor was a fictitious  
3 individual, no such individual with the information provided  
4 here to CentrilLogic existed.

5 Q. And did this come as a surprise?

6 A. No. It is -- in my training and experience it is common  
7 trade craft for criminals of any type, certainly someone  
8 hosting the world's largest child pornography website, to  
9 provide a fake name when doing so. It would have come as a  
10 shock to me if an individual had paid for this service in his  
11 real name.

12 Q. Okay. On the invoices page -- and you mentioned an  
13 invoices page. Just scrolling down through the same exhibit,  
14 you know, just what does that indicate?

15 You indicated \$839 when it comes to payment method.  
16 Briefly describe for the jury what that indicates.

17 A. So this page of the exhibit shows payment history for the  
18 account. It shows that the invoices for the accounts were  
19 paid through a service known as PayPal. PayPal is a very  
20 popular online payment service. It is used for all types of  
21 purposes to send money to friends, to pay for items on line.  
22 It's popular with various auction websites like e-Bay.

23 And so in this case CentrilLogic allows their customers  
24 to pay for services with the PayPal service.

25 Q. Okay. Going back now to that first page we just left

1 with the Mike Taylor information on there. If you would walk  
2 the jury through the set up date, the last log in. What did  
3 that indicate?

4 A. So on this page you can see the sign-up date which is  
5 listed as October 7, 2014. That is when this account was  
6 created with CentrilLogic. On the next line you can see the  
7 last log in. This indicates the last time someone had logged  
8 into the CentrilLogic customer account. And so that last  
9 log-in date is January 9, 2015. And the time for that log-in  
10 is also provided.

11 The third line shows an IP address. This is the IP  
12 address that was captured by CentrilLogic when an individual  
13 logged into the customer portal for the account that was  
14 hosting the PlayPen website.

15 Q. Based on this information, the last log-in and IP  
16 address, what was the next step in your investigation?

17 A. As I mentioned earlier, once you have an IP address you  
18 can use a number of different public databases to determine  
19 who owns that IP address.

20 In this case this IP address which was 67.251.7.149 was  
21 owned by TimeWarner Cable. And so after obtaining that  
22 information from CentrilLogic, a subpoena was issued to  
23 TimeWarner Cable with a request that they identify the  
24 individual who was using that IP address on that date and  
25 time.

1 Q. How did you know that TimeWarner Cable owned that IP  
2 address?

3 A. Again, information about what company owns an IP address  
4 is publicly available. And so you can go to a number of  
5 different websites to query that information.

6 Q. I'm showing you what has already been admitted as  
7 Government Exhibit 44.

8 A. I have the exhibit in front of me.

9 Q. Would you explain this page to the jury.

10 A. This is the information that TimeWarner Cable provided to  
11 the FBI in response to our subpoena requesting that they  
12 identify the subscriber I had mentioned earlier. And so this  
13 is the information that TimeWarner Cable provided.

14 The IP address that we requested information about is  
15 listed in the top line next to target details. The subscriber  
16 name is listed as Lois or Louise Chase. The subscriber  
17 address is listed as 3119 Carrabassett Drive, Carrabassett  
18 Valley, Maine, zip code 04947.

19 The next line indicates that the TimeWarner Cable service  
20 at this residence was activated on November 22, 2014.

21 The return indicates that the -- as of the date that this  
22 information was provided to the FBI, that the service at that  
23 address was still active.

24 The username of the TimeWarner Cable account was  
25 Mustang.SteveCOS@TWC.com.

1           There was a phone number provided for the account which  
2   is 207-237-2733. And the last line lists CM-MAC, which stands  
3   for Cable Modem Mac address.

4           A Mac address is a hardware identifier, generally, a  
5   unique identifier for any network device. And this just  
6   happens to be the identifier for the cable modem that was  
7   associated with this TimeWarner Cable internet account.

8   Q.   Just information for the jury, what did this information  
9   indicate?

10   A.   This indicates that on the date that the CentrilLogic  
11   account had been accessed, which I believe in the last Exhibit  
12   was January 9, 2015, that whoever accessed that account did so  
13   from the residence of Louise Chase in Carrabassett Valley,  
14   Maine.

15   Q.   Okay. Going back to the CentrilLogic return we just  
16   looked at, was there also an email address listed on the  
17   CentriLogic return?

18   A.   Yes. The email address associated with the account was  
19   MikeT46589@Yahoo.com.

20   Q.   Did you take investigative steps to investigate this  
21   email account?

22   A.   Yes. After receiving this information from CentrilLogic,  
23   indicating that this was the email address associated with the  
24   individual hosting the PlayPen website, I prepared an  
25   affidavit that was submitted to a federal judge requesting

1 authorization for a search warrant to obtain a copy of that  
2 email account from Yahoo.

3 I prepared this affidavit with a statement of facts of  
4 the investigation. The judge signed and authorized that  
5 search warrant and I served it on Yahoo and they were  
6 instructed to provide to me the content of that email account.

7 Q. I'm showing you now what has been marked as Government's  
8 Exhibit 45 returned from Yahoo.

9 A. I have it in front of me.

10 Q. What did you do upon receiving this return from Yahoo?

11 A. After receiving the return from Yahoo, I analyzed the  
12 data that it contained. It contained numerous things,  
13 including copies of emails. It also included history logs of  
14 when the email account had been accessed and the IP addresses  
15 from where it had been accessed.

16 Q. What -- go ahead. I was going to say, if you would just  
17 walk the jury through -- explaining the IP addresses listed  
18 here.

19 A. Certainly. So the data that was provided by Yahoo is  
20 listed here in four different columns. The first column is  
21 Yahoo ID, which, again, refers to the Yahoo accounts that is  
22 the same throughout all of this data.

23 The second column of information is the IP address that  
24 was recorded by Yahoo on the date and times that the account  
25 was accessed.



1           The log-in time in the final column indicates when the  
2           account had been accessed, and that is the date and time  
3           associated with the IP address in the second column.

4           Q.    Now, do any of these IP addresses look familiar?

5           A.    Yes.  I testified earlier that I had served a -- or that  
6           the FBI had served a subpoena to TimeWarner Cable for an IP  
7           address that was associated with the individual who had logged  
8           into the CentrilLogic account.  This first IP address listed  
9           here is that same IP address associated with the Louise Chase  
10          TimeWarner Cable account in Carrabassett Valley, Maine.

11          Q.    Did you do further investigatory steps in identifying any  
12          of the other IP addresses listed here?

13          A.    Yes.  The second IP address listed here, which is  
14          50.188.218.61, was owned by Comcast Cable.

15          During the investigation a subpoena was served to Comcast  
16          Cable requesting that they identify that subscriber.  Subpoena  
17          was served on Comcast.  Comcast responded to our request and  
18          identified the subscriber of that information as the  
19          defendant's wife in Naples, Florida, at the defendant's  
20          address in Naples, Florida.

21          Q.    Now before we move on to the Comcast data, did you do any  
22          investigatory steps to determine who the IP address -- the IP  
23          addresses of these other accounts listed?

24          A.    The other IP addresses listed below, the four remaining  
25          IP addresses, I did conduct similar lookups on those IP

1 addresses and determined that they either resolved to tor  
2 notes, which as described earlier would make it very difficult  
3 or impossible to identify the subscriber, or they resolved to  
4 virtual private network servers. A virtual private network  
5 functions very similarly to how the Tor network functions, in  
6 that, an individual who uses a virtual private network or a  
7 VPN, when they do so they may be sitting here in this  
8 courtroom, and when you turn on your VPN to access the  
9 internet, it will appear as though you're coming from  
10 somewhere else in the world.

11 So these last four IP addresses were IP addresses that we  
12 were not able to connect back to a real individual.

13 Q. Let's move forward to the Comcast return ending in .61  
14 that came back to the defendant's wife, Barbara Chase.

15 A. I have it in front of me.

16 Q. Okay. Can you walk the jury through this return for  
17 Comcast?

18 A. And so this is the information that was returned by  
19 Comcast. It identifies the subscriber name as Ms. Barbara  
20 Chase. The service address is 3570 15th Avenue SW, Naples,  
21 Florida, 34117. There is a phone number provided with the  
22 account. The type of service is listed as high speed internet  
23 service. The account number is listed. There is an unknown  
24 entry for start of service. The account status was currently  
25 active at the time Comcast provided this information to the

1 FBI. There is an email user ID associated with the account  
2 which is BChase\_SWFLA and the number 1.

3 Q. Okay. Moving to the next page of this return, could you  
4 walk the jury through this. What this information provided  
5 indicates.

6 A. This is -- the information that Comcast provided to the  
7 FBI included the history of IP addresses that had been  
8 assigned to Ms. Chase's Comcast cable internet account. And  
9 so what this line indicates -- it is listed in reverse  
10 chronological order so I'll read from the bottom up.

11 The IP address that I mentioned earlier, 50.188.218.61,  
12 was initially signed to Ms. Chase's Comcast account on  
13 September 8, 2014, and it was assigned to the account through  
14 September 14, 2014.

15 Going up to the first line there is an indication that  
16 the IP address was immediately reassigned to the account,  
17 again on that same day September 14th, 2014, through  
18 December 16th, 2014.

19 So combining the information in these two lines this --  
20 the Comcast Cable internet account assigned to the defendant's  
21 residence had this same IP address between September 8, 2014,  
22 and December 16, 2014.

23 Q. Going back to the Yahoo return, Government's Exhibit 45,  
24 the Excel spreadsheet, what did that indicate?

25 A. Given the timetable that Comcast Cable confirmed that

1 that IP address was assigned to the defendant's residence, as  
2 you can see on the second line that IP address was captured by  
3 Yahoo on November 25, 2014, during the timeframe which that IP  
4 address was assigned to the defendant's residence, indicating  
5 that an individual using the internet account at the  
6 defendant's residence had accessed this Mike Taylor email  
7 account, which was being used to pay for and host the PlayPen  
8 website.

9 Q. Okay. Showing you, again, what has been marked as U.S.  
10 Exhibit 42. We talked briefly that payment was being made to  
11 host the server on PayPal. Did you also -- did you subpoena  
12 any payment information from PayPal?

13 A. Yes. We issued a subpoena to PayPal requesting  
14 information about the subscriber of the account, as well as  
15 transaction histories of the account, where the money was  
16 coming from, where the money was going. We also requested  
17 information about who was accessing the account over the  
18 internet.

19 Q. Showing you now what has been marked as United States  
20 Exhibit 43. Let's start with the registration page.

21 Please walk through that page with the jury.

22 A. And so this is the first page of -- one of the pages of  
23 the response from PayPal. It indicates that the law  
24 enforcement officer who served the subpoena was myself. The  
25 second line indicates that I had at some point been assigned

1 to the Albany, New York, field office, which is where I was  
2 assigned the first time I ever issued a subpoena to PayPal. I  
3 was assigned to the Major Case Coordination Unit during the  
4 course of this investigation.

5 The subpoena was served to PayPal on January 30, 2015,  
6 and the evidence was gathered and provided to the FBI on or  
7 about February 4, 2015.

8 The registration information included on file to PayPal  
9 is included below. Again, similar to the CentrilLogic  
10 information, the registered user of this account provided a  
11 name of Mike Taylor. The same email address is listed.  
12 MikeT46589@Yahoo.com.

13 The account was currently open at the time this  
14 information was provided to the FBI. The account number is  
15 listed, and there is an indication that this PayPal account  
16 was created on October 4, 2014.

17 Q. Before moving on, what does the -- I see "personal  
18 unverified." What does that mean?

19 A. PayPal has different account types. There are verified  
20 accounts and there are unverified accounts. An individual who  
21 has a verified account with PayPal has essentially confirmed  
22 their identity to PayPal, generally, by connecting their  
23 account to an actual bank account in their real name.

24 This account is listed as an unverified account,  
25 indicating that PayPal has not verified the true identity of

1 this individual.

2 Q. Okay. Moving to -- can you just kind of walk the jury  
3 through the activity logs that PayPal returned.

4 A. So part of the information that was returned by PayPal  
5 included the IP address that was captured, generally each time  
6 someone logged into the PayPal account.

7 So we can see here the dates and times that the account  
8 was accessed. We can see the IP addresses that were  
9 associated with the individual accessing the account. The  
10 activity that occurred is listed on the far right column,  
11 someone logging into the account, someone logging out of the  
12 account.

13 And then the Yahoo email address that was used to create  
14 the account is listed in every row.

15 Q. Okay. Looking at November 10, 2014, the IP address  
16 ending in .61, what did that indicate to you? Did that look  
17 familiar to you, that IP address?

18 A. Yes. That IP address is the IP address that I testified  
19 about earlier that was assigned to the defendant's residence  
20 in Naples, Florida. So this line indicates that an individual  
21 using the internet service at the defendant's residence logged  
22 into this PayPal account.

23 Q. What about the -- above it, the .149 -- IP address ending  
24 in .149, does that IP address also look familiar?

25 A. Yes. There are several rows that contain the IP address

1 67.251.7.149. As I testified to earlier, this is the IP  
2 address that was owned by TimeWarner Cable that had been  
3 assigned to the defendant's mother or stepmother's residence,  
4 Louise Chase, in Maine.

5 Q. Okay. Once you -- after linking the CentriLogic account  
6 hosting a server to the defendant's residence in Maine, his  
7 mother's residence -- I'm sorry -- his mother's residence in  
8 Maine, and his residence in Naples, Florida, did you do any  
9 further investigation?

10 A. Yes. The first IP address that we obtained for the  
11 subscriber was the one in Maine. And so at that point in time  
12 I contacted the Boston FBI field office, which has a satellite  
13 office which covers area in Maine. I gave them information  
14 about my investigation and I requested that they initiate  
15 surveillance on that residence and reach out to local law  
16 enforcement to see if they could identify who was living at  
17 that residence.

18 Q. Did you also take measures to monitor any internet  
19 activity at the Maine or Naples, Florida, residence?

20 A. Yes. During the course of the investigation we obtained  
21 an order from a federal judge -- excuse me -- to monitor and  
22 capture the internet activity that was going to and from that  
23 residence in Maine.

24 Q. Okay. And just briefly describe for the jury just how  
25 you were able to use this.

1 A. So when we obtained what we refer to as a pen register  
2 trap and trace order, we go to a judge and we inform the judge  
3 that there is -- there appears to be evidence of a crime  
4 originating from the internet connection at this residence.  
5 And so we request authority to monitor the internet activity  
6 going to and from that residence. Such an order was prepared  
7 and submitted to a judge, it was signed, and the order was  
8 provided to TimeWarner Cable.

9 At that point in time, TimeWarner Cable began sending to  
10 the FBI information about all of the internet activity going  
11 to and from this residence in Carrabassett Valley, Maine.

12 Q. What were the results of that request?

13 A. The pen register data showed us several things. The  
14 first it showed that someone at the residence was accessing  
15 the Tor network or the Dark Web on several days.

16 Additionally, there were connections directly to the  
17 server in North Carolina, indicating that someone from that  
18 residence was administering the server here in North Carolina,  
19 from the residence in Maine.

20 Q. And moving to the CentrilLogic server in North Carolina.

21 A. Yes. Direct connections to the CentrilLogic server in  
22 North Carolina.

23 Q. Moving to the defendant's Naples, Florida, residence,  
24 what were the results of that trace?

25 A. So at a certain point during the investigation we



1 refocused our efforts from the Carrabassett Valley, Maine,  
2 residence to the defendant's residence in Naples, Florida.

3 A similar order was obtained to monitor and capture the  
4 internet activity going to and from the defendant's residence.

5 The data that was captured from that pen register,  
6 similarly showed that someone was using the internet account  
7 from the defendant's residence to connect to the server in  
8 North Carolina, in an administrative capacity.

9 Q. And what's, I guess, just briefly, for the jury, just  
10 around the time period that this was taking place in Maine and  
11 Florida.

12 A. So the investigation we sent a lead to the Boston field  
13 office, which covered Maine, in January 2015. During the  
14 course of that investigation we determined that Mr. Chase was  
15 in the area, in Maine, staying with his mother or stepmother  
16 Louise Chase.

17 At a point in the investigation we determined that  
18 Mr. Chase had departed from Maine and returned to his  
19 residence in Naples, Florida. I believe he departed from  
20 Maine on or about February 3, 2015. After determining that  
21 Mr. Chase had returned to his residence in Naples, Florida,  
22 that is when we obtained the order to monitor the internet  
23 activity in Naples, Florida.

24 Q. Around the same time, did you also have occasion to  
25 review any of the log in files from the server hosting the

1 website?

2 A. Yes. In January 2015 a copy of the server hosting the  
3 PlayPen website was seized from the facility at CentrilLogic  
4 in North Carolina. I did have the opportunity to review  
5 information stored on that server.

6 Q. Did any information stored on that server indicate any  
7 activity incoming from Naples, Florida -- the defendant's home  
8 in Naples, Florida?

9 A. There was information on that server indicating that an  
10 individual had logged into the PlayPen website, to the main  
11 administrator account also named PlayPen from the defendant's  
12 residence in Naples, Florida.

13 Q. Based on this information, the pen trap information from  
14 Maine and Florida, and as well as the log files from the  
15 server hosting the PlayPen website, what were your next steps?

16 A. After we had determined that Mr. Chase had returned to  
17 his residence in Naples, Florida, I contacted the Tampa field  
18 office which covers the Naples, Florida, area. Again, similar  
19 to my contact with the Boston field office, I informed them of  
20 the background of the investigation, and I requested that they  
21 prepare to execute a search warrant and an arrest warrant at  
22 the residence of Mr. Chase.

23 Q. And was that search warrant executed at the residence of  
24 Mr. Chase?

25 A. Yes. In the evening hours of February 19, 2015, I

1 provided a briefing to the search team members who would be  
2 participating in the search of Mr. Chase's residence. And  
3 then a search warrant was executed at his residence around  
4 midnight of that same day.

5 Q. Just briefly describe for the jury how the search  
6 execution began.

7 A. First I provided background of the investigation to all  
8 of the individuals who would be participating, that included  
9 law enforcement officers from the FBI who would be  
10 responsible, initially, for approaching the residence,  
11 securing it, apprehending anyone who was inside, doing so in a  
12 safe manner.

13 Other individuals who were participating during the  
14 briefing were other law enforcement personnel who would be  
15 responsible for various activities such as taking pictures of  
16 the residence, searching the residence for evidence, and  
17 maintaining control of the scene while it was being searched  
18 by the FBI.

19 And so the search warrant was executed at the residence.  
20 One individual was found in the residence, the defendant,  
21 Mr. Chase. A number of items of evidence were observed and  
22 seized from the residence. Photos were taken of the exterior  
23 and interior of the residence.

24 Q. Did you observe Mr. Chase at any point during the search  
25 warrant execution?

1 A. I did. I approached the residence after other FBI agents  
2 had gone in and secured Mr. Chase. I observed them transport  
3 Mr. Chase out of the residence and place him into a law  
4 enforcement vehicle. I also had a brief conversation with  
5 Mr. Chase during the execution of the search warrant.

6 Q. Can you point Mr. Chase out for the jury?

7 A. Yes. He is the gentleman with the beard sitting at the  
8 defendant's table.

9 Q. And, again, at the time of the search warrant execution,  
10 was there anyone else located inside the home?

11 A. No. Mr. Chase was in the residence alone.

12 Q. Briefly describe for the jury what you observed upon  
13 entering the home.

14 THE COURT: I beg your pardon, before you answer  
15 that.

16 The record will reflect that the witness identified  
17 Mr. Chase sitting there at counsel table.

18 THE WITNESS: Of note, I noticed several things  
19 inside of the residence, but my primary focus was on a laptop  
20 computer that was found inside of the residence.

21 I looked at the laptop computer and I observed that  
22 it was currently logged into the PlayPen website as the  
23 PlayPen user, the main administrator.

24 Additionally, the laptop was connected to the  
25 administrative account of the server in North Carolina which

1 was hosting the PlayPen website.

2 In addition to that, a text file was opened on the  
3 laptop computer containing various usernames and passwords  
4 associated with the PlayPen administrator, including usernames  
5 and passwords associated with the Mike Taylor persona that I  
6 had described earlier.

7 Q. Where did you observe this laptop, Agent Alfin?

8 A. When you walked into the residence, directly to the left  
9 was a couch and there was a portable TV dinner stand,  
10 something of that nature, in front of the couch. And so the  
11 laptop computer was seated on that TV stand. Right in front  
12 of the couch.

13 Q. I'm showing you what has been marked as U.S. Exhibit 47.

14 A. I have it in front of me.

15 Q. Just point out and identify to the jury the two  
16 laptops -- first starting with the laptop sitting on the  
17 coffee table.

18 A. The laptop sitting on the coffee table --

19 MR. JONES: Before I do that, Your Honor, if I  
20 would.

21 First, do you recognize these photos?

22 A. I do.

23 Q. How do you recognize them?

24 A. These are photos that were taken of Mr. Chase's residence  
25 during the search warrant that was executed at this residence.

1 Q. Were you there when the photos were taken?

2 A. I was.

3 Q. Are they a fair and accurate scene on the night of the  
4 search warrant?

5 MR. ADOLF: Your Honor, I'm sorry. We have a juror  
6 raising her hand.

7 THE COURT: Yes, ma'am.

8 JUROR: We don't see anything.

9 THE COURT: The juror is not seeing what you  
10 purported --

11 MR. JONES: I'm getting ready to offer it into  
12 evidence now, Your Honor.

13 MS. RANDALL: It hasn't been admitted yet.

14 THE COURT: Let it be admitted.

15 Q. Is it a fair and accurate scene on the night of the  
16 search warrant execution?

17 A. Yes, it is.

18 MR. JONES: We move to admit and publish to the  
19 jury, Exhibit 47, to the jury.

20 THE COURT: Let it be admitted.

21 (Government's Exhibit No. 47 was received into  
22 evidence and published.)

23 Q. Would you briefly describe the first photo.

24 A. So as noted earlier, there are two laptop computers  
25 visible in this image. On the coffee table there is a silver

1 or white Mac Book Pro laptop. That is my laptop computer that  
2 I brought with me to the search. It is not the defendant's  
3 laptop computer. I had to step away so that the search  
4 warrant photos could be taken.

5 The computer that was found in the residence which was  
6 actively logged on and connected to the PlayPen website and  
7 the server in North Carolina, is the black laptop computer  
8 which is located on the nightstand facing the couch.

9 Q. I'm also showing you now just briefly -- not publishing  
10 these yet -- look at U.S. Exhibits 48 and 49.

11 A. I have 48 in front of me.

12 Q. Do you recognize these two photos, 48 and 49?

13 A. Yes, I do. These are both pictures that were taken of  
14 the -- of the screen of the laptop as it was when we entered  
15 the residence.

16 Q. Are they fair and accurate depictions of the scene of the  
17 laptop -- the scene of the residence on the night of the  
18 search warrant execution?

19 A. They are.

20 MR. JONES: The Government moves to admit U.S.  
21 Exhibits 48 and 49 into evidence at this point in time, Your  
22 Honor.

23 THE COURT: Let them be admitted.

24 MR. JONES: And published to the jury. Starting  
25 with U.S. Exhibit 48.

1 THE COURT: Yes. As I said before, unless I say  
2 otherwise, you may publish them.

3 MR. JONES: Okay.

4 (Government's Exhibits No. 48 & 49 were received  
5 into evidence.)

6 Q. Agent Alfin, would you briefly describe for the jury what  
7 is in front of you, U.S. Exhibit 48.

8 A. Again, this is a picture of the laptop that was found in  
9 the defendant's residence as it was when law enforcement  
10 agents entered the house. As you can see from the photo, the  
11 PlayPen website is displayed on the screen, and it is  
12 currently logged into the PlayPen website.

13 Q. All right.

14 A. And so --

15 Q. Go ahead.

16 A. Exhibit 49 contains a close-up picture of the screen,  
17 which is a little bit easier to read. And so you can see in  
18 the top right-hand corner it says, "Hello PlayPen."  
19 Indicating that the individual account that has been logged  
20 into when law enforcement agents entered the residence was the  
21 PlayPen account, the main administrative account of the  
22 PlayPen website.

23 Q. Were there other files -- just looking at U.S. Exhibit 49  
24 in front of us, going through the various sections, you can  
25 see the administration and general category. Briefly describe



1 that administration section for the jury.

2 A. So when an administrator or a moderator, one of the staff  
3 members of the PlayPen website logged in, they would have  
4 access to a special forum of the website that regular users  
5 could not see.

6 And so that is listed on this screen, conveniently right  
7 next to the light flash it says "Administration." And so that  
8 is a forum where the administrators and moderators of the  
9 PlayPen website could have private discussions out of the  
10 purview of the regular users of the website.

11 And so, again, as this is the main PlayPen administrative  
12 account logged in, you can see the link to the administrative  
13 section here on the screen.

14 Q. All right. Turning back to U.S. Exhibit 48. If you  
15 would look at the laptop, is there another item mounted to the  
16 laptop?

17 A. Yes. In the bottom left hand of the picture you can see  
18 that there is a black and red flash drive that is connected to  
19 the laptop. This flash drive was connected to the laptop when  
20 law enforcement agents entered the house. This is how we  
21 found the laptop.

22 Q. Agent Alfin, were there other files opened -- found open  
23 on the laptop besides being logged into the PlayPen website as  
24 the username PlayPen?

25 A. Yes. Actually in Exhibit 49, which shows the close-up of

1 the laptop screen, you can see across the bottom of the screen  
2 there are icons indicating the other applications that were  
3 currently running on the laptop.

4 So the icon second from the right shows two computers  
5 connected by a lightening bolt. This is the icon for a  
6 program known as "Puddy." Puddy allows you to securely  
7 connect to another computer or server over the internet.

8 And so I reviewed the information that was active in the  
9 Puddy program and I determined that the laptop was currently  
10 logged into the administrative account of the PlayPen  
11 website -- excuse me -- of the server in North Carolina which  
12 was hosting the PlayPen website.

13 In addition to that, there was an active connection  
14 through that same program to a server in Canada which was  
15 hosting a separate file hosting site, which contained numerous  
16 images and videos of child pornography that were shared  
17 through the PlayPen website.

18 In addition to the Puddy program, the fourth icon from  
19 the right, which appears to show a text pad with the letter A  
20 on it, that was also open when we encountered this laptop  
21 computer. There was a text file that was opened named  
22 PP\_2.RTF. RTF stands for rich text file. It's just a normal  
23 text file format for a computer, similar to, you know, a .txt  
24 file or Word document.

25 And so I reviewed this file which was opened when we

1 found the laptop and I determined that it contained what  
2 appeared to be usernames and passwords associated with the  
3 PlayPen website for the administrative account PlayPen.

4 It contained what appeared to be usernames and passwords  
5 for the server in North Carolina which was hosting the PlayPen  
6 website.

7 It also contained what appeared to be usernames and  
8 passwords for the Mike Taylor email account, and the Mike  
9 Taylor PayPal account.

10 Additionally, the text file contained a link to the Hard  
11 Candy section of the hidden wiki, which is one of the places  
12 where the link to PlayPen was advertised.

13 Q. Agent Alfin, I'm showing you what's been marked as  
14 Government's Exhibit 81. Do you recognize this document?

15 A. I do. This is the text file that I described previously.

16 Q. And how do you recognize it?

17 A. I recognize it because I first encountered this file the  
18 night of the -- or early morning on February 20th in the  
19 defendant's residence. This is the file that was opened on  
20 the defendant's laptop computer.

21 Q. And are the contents of this file accurate -- a fair and  
22 accurate representation of what you encountered the night of  
23 the search warrant execution?

24 A. Yes.

25 MR. JONES: Your Honor, the Government moves to

1 admit U.S. Exhibit 81.

2 THE COURT: Let it be admitted.

3 (Government's Exhibit No. 81 was received into  
4 evidence and published.)

5 Q. Agent Alfin, would you just briefly walk through  
6 Government's Exhibit 81 for the jury.

7 A. So at the top of this file we have what appears to be the  
8 username and password for the Mike Taylor Yahoo account.  
9 Again, that email address was MikeT46589@yahoo.com. This  
10 email address was familiar to me at the time of the search. I  
11 recognized it as the email address that was used to create the  
12 account at CentrilLogic in North Carolina. It was also the  
13 email address that was used to create the PayPal account which  
14 was funding the account at CentrilLogic in North Carolina.

15 The password that appears to be listed for the account is  
16 ##MINE, that's capital M-I-N-E 9999##.

17 There is also a phone number listed here. And also below  
18 that is the name and address for the Mike Taylor persona that  
19 was provided to CentrilLogic when the CentrilLogic account was  
20 registered.

21 Q. Okay. Moving down.

22 A. I mentioned that the laptop computer was actively  
23 connected to the administrative account of the server in North  
24 Carolina. It was similarly connected to a server in Canada  
25 which hosted, again, a part of the PlayPen website where

1 individuals would upload larger images and videos.

2 And so this link here which goes to CA.OVH.com, that is a  
3 link to a server hosting company in Canada named OVH. That is  
4 the company in Canada where that portion of the PlayPen  
5 website was hosted. And, again, we appear to have the  
6 username and password for that account in Canada.

7 Below that is a link to the billing log-in portal for the  
8 CentrilLogic company here in North Carolina. You'll notice  
9 that the actual link says "billing.dacentec,"  
10 D-A-C-E-N-T-E-C.com. CentrilLogic and Dacentec are the same  
11 company, one of them bought the other. I believe CentriLogic  
12 purchased Dacentec, it may be the other way around. But this  
13 is the link to the billing portal for CentriLogic, the company  
14 in North Carolina where the PlayPen website was being hosted.

15 Again, we have what appears to be the username and  
16 password associated with that CentriLogic account.

17 THE COURT: We'll take our lunch break at this time,  
18 members of the jury, ask you to be back with us at 1:45. That  
19 gives you an hour and 15 minutes. Thank you for your  
20 attention to the case, please remember the usual instructions.  
21 Thank you.

22 (Lunch recess from 12:30 until 1:46.)

23 THE COURT: May we have the jury, please.

24 The witness may take the stand again.

25 (The jury was returned to the courtroom.)

1 THE COURT: All right. Members of the jury, you all  
2 settled. You may resume the examination.

3 MR. JONES: Thank you, Your Honor.

4 BY MR. JONES:

5 Q. Agent Alfin, before we took our lunch break you were  
6 walking the jury through Government Exhibit 81. Will you  
7 briefly describe Government Exhibit 81 to the jury again?  
8 Just kind of briefly pick up where you left off in your  
9 explanation.

10 A. As I testified to earlier, Exhibit 81 is a copy of a text  
11 file that was already opened on the defendant's laptop when we  
12 encountered it in his residence on February 20, 2015. It  
13 contains what appear to be a number of usernames and passwords  
14 associated with the PlayPen website, and the identity Mike  
15 Taylor, which was used to create various accounts associated  
16 with the PlayPen website.

17 Q. If you would walk the jury -- we'll blow it up again.  
18 Start here.

19 A. And so this part of the text file has various IP  
20 addresses and passwords associated with the server in North  
21 Carolina which was hosting the PlayPen website.

22 You can see it's labeled "PP1." The next line is labeled  
23 "server" and it has an IP address listed next to it. That is  
24 one of the IP addresses associated with the CentriLogic  
25 account which was hosting the PlayPen website.

1       Below it starting with the line HTTP:// and then there is  
2 what is seemingly a bunch of gibberish characters ending  
3 in dot onion. This was the link to the PlayPen website.

4       Below that are various passwords, again, associated with  
5 the server that was hosting the PlayPen website. The name  
6 "PlayPen" is visibly seen in several lines of this text.

7       And so this is more of the same information, more IP  
8 addresses associated with the various aspects of the PlayPen  
9 website, including the image hosting section of the PlayPen  
10 website, and the file hosting for larger videos and larger  
11 collection of images section of the PlayPen website.

12       Similar to the previous zoomed in portion of the text  
13 file, there are usernames and passwords associated with the  
14 administrative accounts for the sections of the servers  
15 hosting these parts of the website.

16       Down at the bottom there is a different URL for the  
17 PlayPen website. It begins with the line HTTP://M-U-F-F. And  
18 then again it follows with more seemingly gibberish letters  
19 ending in dot onion. This was an old link to the PlayPen  
20 website.

21       Over time the link to the PlayPen website would change  
22 every now and then. According to postings made by the PlayPen  
23 user, the administrator of the website, the username -- or  
24 excuse me, the link to the website would change every now and  
25 then to throw them off -- off the track; "them" in that

1 context referring to law enforcement. And so I recognized  
2 this as one of the older links to the PlayPen website.

3 Below that information you can see what appears to be the  
4 username and password for the Mike Taylor PayPal account.  
5 Again the Mike Taylor PayPal account was the source of funding  
6 for the PlayPen website.

7 Q. Agent Alfin, were you able to determine where the actual  
8 text file was stored on the computer?

9 A. Yes. When I observed the text file was opened on the  
10 computer, I also observed that it was actually located on the  
11 flash drive that was connected to the computer when we  
12 initiated the search. That flash drive, at the time, was  
13 available to the computer, and all the data on it could be  
14 read. It was actually an encrypted flash drive, indicating  
15 that someone, prior to the execution of the search warrant,  
16 had connected it to the laptop and made it available to be  
17 accessed.

18 So if that flash drive had been pulled out of the laptop,  
19 the data on it would have been encrypted. Meaning, it would  
20 have been unreadable without the proper username -- excuse  
21 me -- without the proper password or key.

22 So it was important to us for our search that this flash  
23 drive was found in a state where we could actually read the  
24 data that was on it.

25 Q. Were you able to read the data that was on it?



1 A. Yes.

2 MR. JONES: May I approach, Your Honor?

3 THE COURT: Yes, sir.

4 Q. Special Agent Alfin, I'm showing you what has been marked  
5 as Government's Exhibit 66 and 68.

6 A. I have it in front of me.

7 Q. Do you recognize those exhibits?

8 A. I do.

9 Q. What are they?

10 A. Government's Exhibit 66 is the defendant's laptop that I  
11 encountered in the defendant's residence during the Naples,  
12 Florida, search warrant.

13 It was the laptop which I described previously, which was  
14 actively connected to the PlayPen website as the PlayPen  
15 administrator, and further, to the server in North Carolina,  
16 again, as the administrator.

17 Government Exhibit 68 is the flash drive that was visible  
18 in the search warrant photo that was connected to the laptop  
19 that contained the text file that I described, along with  
20 various other files relating to the PlayPen website, including  
21 multiple backup copies of the PlayPen website, backup copies  
22 of the image up loader from the PlayPen website, backup copies  
23 of the file hosting service for the PlayPen website, and  
24 configuration information for the PlayPen website.

25 Q. Agent Alfin, was the defendant subsequently arrested?

1 A. He was.

2 Q. Okay. Showing you what has been marked as Government's  
3 Exhibit 94. Do you recognize this photo?

4 A. I do.

5 Q. How do you recognize it?

6 A. When I had a -- I had a brief interview with the  
7 defendant during the execution of the search warrant, that  
8 interview was recorded, and this is a still shot from that  
9 interview recording.

10 MR. JONES: Your Honor, the Government moves to  
11 admit Exhibit 94.

12 THE COURT: Let it be admitted.

13 (Government's Exhibit No. 94 was received into  
14 evidence and published.)

15 Q. Agent Alfin, were any other devices seized from the  
16 defendant's residence besides that laptop and another thumb  
17 drive?

18 A. Yes. A number of devices were seized from the  
19 defendant's residence. Again, this laptop and the flash drive  
20 connected to it were seized from the residence. In addition  
21 to those items, a cellular telephone was seized from the  
22 defendant's residence, other computer and computer storage  
23 devices were also seized from the residence.

24 In addition to those items, a hard drive was seized from  
25 the residence, not one that belonged to the defendant, one

1 that we had brought to the search with us. Because the flash  
2 drive that we encountered was encrypted, we couldn't just  
3 bring it back with us and analyze it back in our lab. If we  
4 had disconnected it from the computer, the data on it would  
5 have been unreadable. And so while we were on scene, myself  
6 and another forensic experts made a copy of the data that was  
7 on that flash drive. That copy was placed on a hard drive  
8 that, again, we brought with us, and that drive was also  
9 seized from the defendant's residence.

10 Again, that hard drive did not belong to the defendant.

11 Q. Now let's transition. We previously looked at  
12 Government's Exhibit -- all right. We previously looked at  
13 what's been admitted as Government Exhibit 70, the hard drive  
14 seized from CentriLogic. Did you have an opportunity to  
15 review the evidence obtained from those hard drives?

16 A. I did.

17 Q. And were there IP addresses of other PlayPen users  
18 located on those hard drives?

19 A. So as described earlier, the Tor network prevents --  
20 essentially prevents your IP address from being transmitted to  
21 tor websites or hidden services. And so in the normal course  
22 of operation of a tor hidden service, Such as PlayPen, you  
23 won't see a user's IP address in any log files. You may see  
24 an entry for an IP address, which is just useless information,  
25 nothing to follow-up on.

1 In the case of the PlayPen website there were actually  
2 some real IP addresses that were captured for certain users,  
3 including the PlayPen administrative account.

4 The reason for this being, there was a misconfiguration  
5 of the PlayPen website. And so, if a user such as an  
6 administrator or the person who was responsible for creating  
7 the website knew the true IP address of the server as the  
8 creator would, you could actually bypass the Tor network  
9 entirely and just connect directly to the server over the  
10 regular internet.

11 And so there were log files contained on that server  
12 indicating that on several occasions an individual in control  
13 of the PlayPen user account did just that. They bypassed the  
14 Tor network completely and they logged directly into the  
15 website. And so there were, in fact, some IP addresses that  
16 were captured from that server, despite the fact that the  
17 server was intended to be accessed over the Tor network.

18 Q. Okay. And were you able to, in reviewing the hard drive,  
19 were you able to create any summary charts or exhibits based  
20 on what was obtained on those hard drives?

21 A. Yes. The hard drives, again, were seized from  
22 CentriLogic, the company here in North Carolina that had been  
23 hosting the PlayPen website. Those hard drives contained a  
24 copy of the PlayPen website as it existed up until the  
25 defendant's arrest.

1           A copy of the PlayPen website -- a backup copy of the  
2 PlayPen website had been created on the server in CentriLogic  
3 a few hours before the defendant's arrest. The command  
4 history on the defendant's laptop, as well as the text file  
5 that I described earlier, contained those exact instructions  
6 to create that backup copy.

7           So I did analyze that backup copy. It is what contained  
8 the IP addresses that I described earlier. It also contained  
9 all of the postings from the website. I was able to prepare a  
10 summary exhibit of the postings from the website. I was also  
11 able to analyze and follow-up on the IP addresses that were  
12 contained within that copy of the website.

13           I noticed upon analyzing the IP addresses that a number  
14 of log-ins to the PlayPen user account came directly from the  
15 defendant's Naples, Florida residence.

16           A number of other IP addresses that were captured in the  
17 website log files indicated that the account had been accessed  
18 from IP addresses that appear to be in places like Texas or  
19 Chicago. This is not an actual indication that the individual  
20 who was accessing the account was in Texas or Chicago. Those  
21 IP addresses, I researched them, and determined that they were  
22 assigned to virtual private network companies.

23           As I testified to earlier, an individual utilizing a  
24 virtual private network or a VPN, when you do that, your  
25 internet connection to various websites or other places on the

1 internet, those websites will think that you are coming from  
2 somewhere else.

3 So, for example, you could be in Florida, use your VPN  
4 connection, and then a website may think that you're in  
5 Chicago or in Texas.

6 So the IP addresses that were contained in those log  
7 files did resolve to either VPN companies or other nodes on  
8 the Tor network.

9 But, again, there were some that came directly back to  
10 the defendant's residence.

11 Additionally, I testified to earlier, that for a period  
12 of time we were monitoring the internet activity going to and  
13 from the defendant's residence. That internet activity  
14 captured information showing that a user of the internet  
15 account at the defendant's residence in Naples, Florida was,  
16 in fact, using such VPN software.

17 And, additionally as I mentioned earlier, the backup copy  
18 of the website also contained the postings of the website,  
19 including all the postings that had been made by the  
20 administrative account, by the PlayPen user accounts, and I  
21 prepared a summary exhibit of those postings.

22 Q. Agent Alfin, I'm showing you Government Exhibit 41. Do  
23 you recognize this document?

24 A. I don't have anything on my screen. Now I do.

25 Q. Okay.

1 A. Yes. This is the summary exhibit that I described  
2 earlier, containing a number of postings that the PlayPen user  
3 account had made to the PlayPen website. It does not contain  
4 every single posting made by the PlayPen user account.

5 Q. Did you create these charts yourself?

6 A. Yes.

7 MR. JONES: Okay. Your Honor, at this time the  
8 Government moves to admit Government's Exhibit 41 into  
9 evidence.

10 THE COURT: Let it be admitted.

11 (Government's Exhibit No. 41 was received into  
12 evidence and published.)

13 Q. Agent Alfin, I just want you to walk the jury through the  
14 summary chart you made of the postings by the user "PlayPen"  
15 on the site, starting with page 1.

16 A. So these are postings in the administration section of  
17 the PlayPen website. As I testified to earlier, staff members  
18 of the website, administrators and moderators, had access to a  
19 special section of the website where they could discuss the  
20 general business of the website, things of that nature.

21 And so this first post is in the administration section.  
22 The post title is "100,000 posts." It was made on or about  
23 February 8, 2015. And the PlayPen user account posted,  
24 "closing in on that number. Quite happy with what started out  
25 as a toy has really grown."

1           The second posting is a reply to a topic titled  
2   "Admission requirements." And so it begins with a quote from  
3   another individual of the website, a moderator who used the  
4   username "Stretch Armstrong." And it goes on to say, "You are  
5   absolutely right. I have been seeing the same posts. Half of  
6   the members do not care. I started this board out of the need  
7   for one and planned to always keep it open."

8           Plan pen -- "PlayPen is as much yours as it's mine. So  
9   maybe coming up with a working model is possible. I can see  
10   PlayPen doubling in size again in the next few months."

11          Important in this particular post is the statement posted  
12   by the account stating that he "had always planned to keep it  
13   open."

14          There were other child pornography websites that existed  
15   on the Tor network which were not open websites like PlayPen.  
16   Websites where you had to be invited by other individuals or  
17   meet certain criteria.

18          And so this is a reference to the fact that anyone who  
19   knew how to find the PlayPen website could register for an  
20   account and join.

21   Q.    Okay. Moving to the next page.

22   A.    Still in the administration section. This is a reply to  
23   a post titled "Another questionable video." On or about  
24   February 12, 2015. It begins with a quote, again, from the  
25   moderator Stretch Armstrong, referencing a video that some



1 users on the website were complaining about. The black text  
2 at the end is the text from the PlayPen user account stating,  
3 "I say just delete it. And give him a reason why."

4 Showing the administrator of PlayPen providing  
5 instruction to one of his, I guess, subordinates, one of the  
6 moderators.

7 Q. Agent Alfin, were you able to identify Stretch Armstrong?

8 A. Yes, I was able to identify Stretch Armstrong as David  
9 Lynn Browning from Kentucky.

10 Q. Okay.

11 A. The next post, still in the administration section, topic  
12 title, "Authenticating mods admins," on or about December 13,  
13 2014. The post states. "Hi Little Smiles, and welcome to  
14 PlayPen. I started PlayPen for fun and the need for such a  
15 community. I do understand what you are saying, but I will  
16 not be giving out any personal contact information for myself.  
17 Hope you understand."

18 Little Smiles was another moderator on the PlayPen  
19 website.

20 Q. Okay.

21 A. This is a post titled "File Host" on or about  
22 February 11, 2015. The post states, "What you all think of  
23 the files must be encrypted. Does it matter? Should I care?  
24 Also not happy with the speed so I am setting up a bigger  
25 server for this. Spending most of my life as a webmaster, I

1 find Tor to be quite a challenge. That's what makes this so  
2 much fun for me."

3 A post titled "Global Moderators invites, nominations" --  
4 or there's a typo "nomiations and welcomes." November 7,  
5 2014. Reply to a quote by the user "Tactile," also one of the  
6 moderators of the Playpen website. The user Tactile states  
7 that he would like to nominate another user on the website  
8 "the Wizard" to become a moderator and vouches for him, says  
9 that "He is a brilliant coder and good friend." The  
10 administrator of PlayPen responds, "sounds good. Sign him up.  
11 What I need is a good server guy."

12 Q. Okay.

13 A. This is a post titled "Logo" on or about November 7,  
14 2014. User PlayPen posts "Anybody here who can make a new  
15 logo for PlayPen? We are going on three months old now all  
16 with the same logo. Photo shop people, here is the link to  
17 the current logo." And then the links to the logo are posted  
18 below.

19 The next post is titled "New Mod." January 28, 2015.  
20 The user Playpen posts, "What you all think of unleashed loser  
21 as Mod? Signed PP."

22 Unleashed user was a -- unleashed loser was another user  
23 of the Playpen website who was eventually promoted to  
24 moderator.

25 The post titled "PlayPen file host" on or about

1 January 31, 2015. Post states. "Just to let you know I am  
2 going to do it. Setting up a new server that will have six, 2  
3 TB hard drives."

4 TB is an abbreviation for terabytes, which is 1,000  
5 gigabytes.

6 "Will take me sometime to get it ready for testing. But  
7 12 terabytes of disk space, now that's going to be a lot  
8 of CP. Smiley face."

9 CP in this context is an abbreviation for child porn.  
10 And this post was, again, signed "PP."

11 Post titled "Pleased to announce." On or about  
12 October 9, 2014. Posts states, "Pleased to announce that  
13 PlayPen has moved today to a new super-secure and very large  
14 server, which means I'm in it for the long haul. Smiley  
15 face."

16 "Producers original content board." Post on February 9,  
17 2015, states:

18 "I think it's a great idea."

19 A producer's or original content board is a reference to  
20 a section of a child pornography website where users are  
21 encouraged to engage in new acts of child abuse, film it,  
22 record it, and share it on the website.

23 A post titled "Rules." On or about September 22, 2014.  
24 Post states:

25 "Can one of you guys add to the rules an intelligent

1 response to this post? Being an ass will get you banned."

2 And below that is a quote from another user. "I love  
3 Luda." Stating, "New rules are needed. It is against rude  
4 and stupid comments. I have reported comments like fuck you  
5 but nothing has happened. This kind of actions just destroy  
6 the community. And users that make this kind of --" I think  
7 that's a typo for replies "should be banned. We have enough  
8 problem with LEA and the public."

9 Again, in this context, LEA is a reference to law  
10 enforcement agencies.

11 "There's no need to fight with each other."

12 The last post on this page is a topic titled, "Thoughts  
13 on this clip," on January 8, 2015. Stating:

14 "I am still on my winter break home, which means no  
15 secure set up to download and view videos to check for any  
16 hurt core."

17 Hurt core is a reference to a genre of child pornography  
18 featuring graphic abuse, hitting, whipping, any kind of  
19 violent abuse involving sexual exploitation of children.

20 "So I have to rely on you guys to use your best judgment.  
21 When in doubt, please delete it."

22 This is the final post from this exhibit, from the  
23 Administration section. Post title is "Two Things."  
24 December 18, 2014, post states:

25 "Just want to reach out and thank you guys for all your

1 hard work. PlayPen looks great, and without you this would  
2 never have happened. I have just pruned all members who have  
3 not logged in for the last 40 days, which still leaves like  
4 138,000. I am still on my winter vacation so will only be  
5 around to do backups and to check server logs for the next few  
6 months, then I am thinking of going somewhere warm. Signed  
7 again PP."

8 The next post is in the "General Discussion" section of  
9 PlayPen.

10 And, again, we're back to the sections of the website  
11 that were probably available to all members of the website.

12 Post titled "I can find like minded here?" September 2,  
13 2014. User PlayPen posts "Yes there is or should be a place  
14 for everything. This world needs a good hurt core board.  
15 Please not here."

16 Next post in the General Discussion area title "PlayPen  
17 New Board Visible." November 9, 2014. Post states "That  
18 would be me. It was time for a chance."

19 I believe typo for change.

20 "Smiley face."

21 This, based on my review of the board, was a reference to  
22 a format update for the website. The style, colors and  
23 background had recently been updated.

24 Still in the General Discussion area. Topic titled  
25 "PlayPen, Thanks. I just want to thank you guys for helping

1 make PlayPen a good board. Today is the 16th day C and I  
2 started PlayPen, and already have 26,358 members now. I never  
3 dream of this, way faster than expected. I have worked my ass  
4 off making this happen, and would like to ask you guys for  
5 suggestions to make it the best within reason. Smiley face."

6 Now I would like to thank Axiom for all of his help  
7 sharing some of his hacks with me. Class act guy. PlayPen."

8 Also reply to the post titled "PlayPen thanks." Same  
9 day, September 6, 2014. "Thanks, PandaKid. With a Linux  
10 learning you could start one of your own. This world needs  
11 hundreds of this kind of community. Then let them try to shut  
12 them all down."

13 In this context "them" is a reference to law  
14 enforcement agencies.

15 General Discussion Board post title "Should this be  
16 a closed application site?" Post was on August 29, 2014.  
17 PlayPen user posts "I have set this board up as safe as  
18 possible, and if the users use safe Tor practices it will be  
19 fine. Please do not spread fear. Nothing in this world is  
20 without risk."

21 Final post on this page is in the General Discussion  
22 area, again, titled "Thanks for the format update." On  
23 November 9, 2014, user PlayPen posts "Thanks. It was time for  
24 a change. Smiley face."

25 General Discussion title "Who's the owner of this

1 site?" September 6, 2014. User PlayPen posts, "That would be  
2 me. Thank you for the appreciation."

3 General Discussion section title "Why does everyone  
4 here hate anonymous?" Post September 7, 2014, states:  
5 "Members of anonymous who attack CP sites, there should be a  
6 place in this case for CP. Most pedos are very loving  
7 people."

8 Again, in this context "CP" is an abbreviation for  
9 child pornography. "Pedos" is an abbreviation for pedophiles.

10 Moving on to the "How to" section of the PlayPen  
11 website. This is a post titled "How to extract RAR and 7Z  
12 files." On August 23, 2014 post starts with the text "First  
13 download WIN RAR from here and follow the illustrations."

14 This is a how-to-guide for how to download the  
15 images and videos that are posted on the website. Per the  
16 rules of the website, people are required to use RAR and 7Z  
17 files to distribute archives of images and videos, and this is  
18 the step-by-step instructions on how to actually download and  
19 open up those files so that users can actually view the child  
20 pornography contained within them.

21 "PlayPen Information and Rules Forum." Title About  
22 the New Internal Image Hosting." February 12, 2015. A reply  
23 to a quote from username "Acorn." The user "Acorn" posted  
24 "This new file hoster is great news for us, and great news for  
25 admin PlayPen. You don't have to download CP any more,

1 because we're now going to be sending it all to you. Winking  
2 smiling face."

3 The user PlayPen posted in reply to that "Smiley  
4 face. That's why I asked that uploaded files must be  
5 encrypted and password."

6 Moving on to the Preteen Video Girls Hard Core  
7 section post titled "Three Young Lesbos." August 22, 2014.  
8 And the text of this post is a link to an image and video  
9 pertaining to the title of the thread.

10 The password at the bottom is listed as "PlayPen  
11 Open Me." This will be the password that a user of the  
12 PlayPen website would need to actually view the video after  
13 downloading it.

14 Still in the Preteen Video Girls Hard Core section  
15 another reply to the same post "Three Young Lesbos."  
16 September 27, 2014. User L-O-L-V-E posts, "Can't get to DL."  
17 "DL" is an abbreviation for download. "Please upload  
18 somewhere else."

19 User PlayPen responds, "It's still there and has  
20 been downloaded 13,084 times."

21 The next post is in the Preteen Videos Girls Hard  
22 Core section. The title is "Five YR Slut." A reference to  
23 five year old. October 11, 2014. And again this contains a  
24 link to download video and image pertinent to the title of the  
25 thread.



1           Next post still in Preteen Video Girls Hard Core  
2           titled "Daddy's Little Girl Working It." August 22, 2014.  
3           Again, contains links to images and videos pertinent to the  
4           title of the post.

5           Next post "Preteen Video Girls Hard Core." Thread  
6           titled "Young Finger Fuck." September 25, 2014. Again,  
7           contains links to download images and videos pertinent to the  
8           title of the post.

9           Q. Agent Alfin, I asked you before you started reading the  
10          posts you were able to identify who Stretch Armstrong is, you  
11          said David Lynn Browning. Were you also able to identify the  
12          username "Isabella"?

13          A. Yes. Isabella, one of the other administrators of the  
14          PlayPen website was identified as Michael Fluckiger from  
15          Indiana.

16          Q. Now, Agent Alfin, I'm showing you what's been marked as  
17          Government Exhibit 40 -- 40a, starting with 40a, and just  
18          going through 40a, 40b, and 40c.

19          A. I testified earlier that I had analyzed a backup copy of  
20          the PlayPen website that had been created shortly before the  
21          defendant's arrest.

22          One of the things that the PlayPen website's database  
23          tracked was the last post that each user had accessed. That  
24          information was recorded for the PlayPen user account. And at  
25          the time that the backup of the website had been created, the

1 last post accessed by the PlayPen user account was in the  
2 peeing fetish section of the Playpen website. It was a thread  
3 titled "My Pee Collection." It contained numerous images  
4 depicting child pornography of prepubescent females exposing  
5 their genitals. It also depicted one or more pre-pubescent  
6 females engaged in penetrating sexual activity with what  
7 appears to be an adult male.

8 Q. And are Exhibits 40a, 40b and 40c accurate depictions of  
9 those activities?

10 A. They are.

11 MR. JONES: Permission to admit, Your Honor,  
12 40a, 40b and 40c.

13 THE COURT: Let them be admitted.

14 MR. JONES: We will publish, briefly, for the jury,  
15 Your Honor.

16 (Government's Exhibits No. 40a, 40b & 40c were  
17 received into evidence and published.)

18 Q. When were those posts accessed by the defendant?

19 A. Based on the time the post was accessed and the time that  
20 the PlayPen website backup had been created, the posts were  
21 accessed from the defendant's residence while the laptop  
22 computer in the defendant's residence was logged into the  
23 PlayPen website.

24 In addition to those images being located on the PlayPen  
25 website -- specifically on the Image Hosting section of the

1 PlayPen website, which was also located here in North  
2 Carolina -- copies of all of those images were also located on  
3 the encrypted flash drive that was connected to the  
4 defendant's laptop at the time of the search.

5 MR. JONES: Just briefly, Agent Alfin.

6 No further questions.

7 THE COURT: Cross-examination.

8 MR. ADOLF: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. ADOLF:

11 Q. Special Agent Alfin, good afternoon.

12 A. Good afternoon.

13 Q. I have some questions for you. Let me get right to it.

14 What you are, in essence, telling this jury that every  
15 single post, all the activity coming from the PlayPen account,  
16 PlayPen user is all from Mr. Chase, right?

17 A. Yes.

18 Q. Now you told us a little earlier that the website was  
19 misconfigured.

20 A. Yes.

21 Q. And what you mean by misconfigured is that it wasn't set  
22 up right or maintained properly?

23 A. I can clarify, if you would like.

24 Q. That the settings were wrong.

25 A. Yes. I can go into detail about that if you would like.

1 But the answer to your question is, yes.

2 Q. And that was a mistake?

3 A. It appeared to be a mistake based on my review of the  
4 configuration files.

5 Q. And the reason that's a mistake is because this site was  
6 supposed to run exclusively on Tor.

7 A. That would be the general intent behind a Tor hidden  
8 service, yes.

9 Q. The reason it's configured only to run on Tor -- it's  
10 supposed to run only on Tor -- is so that members of the  
11 general public who don't know it's there can't find it.

12 A. I would say more specifically it's so that law  
13 enforcement agencies cannot find it.

14 Q. But you would agree that the general public can't find  
15 it.

16 A. Sorry. Can or cannot?

17 Q. Cannot.

18 A. Correct, if it's configured properly.

19 Q. Now, if you have a regular commercial website, the  
20 website has an IP address.

21 A. The server hosting the website has an IP address, yes.

22 Q. I'm sorry. The server hosting the website has an IP  
23 address, which is a string of numbers like we've been seeing?

24 A. Yes.

25 Q. And then there is a web address which begins with WWW.

1 A. The URL uniform resource locator, which is so that you  
2 don't have to remember IP addresses, you can just type  
3 in CNN.com or Google.com.

4 Q. And what somebody with an ordinary website, a website  
5 that's normally searchable has, is, they have their website on  
6 server that has the IP address. They have that web address,  
7 and the web address points the server to the IP address.

8 A. Yes, that's correct.

9 Q. And what Google or some other search engine does is, it  
10 collects all of those web addresses.

11 A. Search engines such as Google routinely index websites so  
12 that you can find them using Google search engines or Yahoo  
13 search engines, whatever you're using.

14 Q. But what it's looking for -- what the website -- what  
15 Google or Yahoo or whoever is indexing, is those web address  
16 with a name that's usually a common word or a title that  
17 identifies that an ordinary user would recognize.

18 A. They're indexing content of the websites, not just those  
19 titles, but those titles will -- the URLs you're referring to  
20 will also appear in google search results, yes.

21 Q. I guess what I'm getting at is:

22 If you don't have a URL, then Google is not going to find  
23 you.

24 A. That's not necessarily true. You can still host a  
25 regular website without a -- without using a URL. So if you

1 wanted to you could actually host a website with just an IP  
2 address and it is possible that Google could index such a  
3 website.

4 Q. But there are additional steps that you would have to  
5 take to make that website searchable, to make it appear to an  
6 aggregating site or a Google or a Yahoo?

7 A. No, not necessarily.

8 Q. Now you talked about how this particular website was  
9 supposed to be set up so it was only visible through Tor.

10 A. Yes.

11 Q. And that would include the fact that there was no URL for  
12 it that would be -- would have been searched for by Google,  
13 Yahoo or some other search --

14 A. Correct. Search engines such as Google, Yahoo, Bing,  
15 don't index Tor hidden services.

16 Q. Now you told us that it was misconfigured, meaning  
17 somebody had done the settings incorrectly so that it could  
18 actually be viewed by somebody who knew that numerical code.

19 A. Correct.

20 Q. Now would you agree with me that something is more likely  
21 to be misconfigured if you have a bunch of different people  
22 working on it that aren't talking to each other, versus having  
23 one person who is maintaining it?

24 A. No. One of the posts that I read from the summary  
25 exhibit was a post created by the PlayPen user account that

1 stated -- I can't quote it verbatim, but it stated that the  
2 user had personal life experience with hosting websites, I  
3 think he said being a webmaster. But that this was his first  
4 run at doing so on the Tor network.

5 And so we're talking about a single typo in a very long  
6 configuration file that someone who's creating their first Tor  
7 hidden service I think could very easily make.

8 Q. So what you're telling us is that whoever was  
9 "PlayPen" -- whoever was logging in as "PlayPen" was trying to  
10 keep the server set up so that you had to go through Tor, you  
11 had to have that level of anonymity to get to the site.

12 A. Based on my review of the configuration file it appears  
13 that that was the creator's intent, yes.

14 Q. And they just checked the wrong box, wrote something  
15 wrong in the stream of code, made some mistake so that instead  
16 you could type in the IP address and get right to the site.

17 A. Yes, that's correct.

18 Q. And they didn't know that.

19 A. They were informed of it by other users of the website.  
20 There had actually been a second mistake made by the  
21 administrator and that was, as earlier exhibits have shown the  
22 rules and agreements of the PlayPen website stated that you  
23 had to enter an email address to register your account, but  
24 that you would never actually receive any emails.

25 And so when the PlayPen website was created, the email

1 functionality of the message board was, in fact, disabled.

2 At some point in time, and I don't know exactly when,  
3 that feature appears to have been re-enabled accidentally.  
4 And so if you did actually enter a real email address, the  
5 website would actually send you a confirmation email that  
6 said, to the effect of, your user account on PlayPen had been  
7 created. And that email address would have the real IP  
8 address of the PlayPen website in it.

9 Q. We're talking about two totally different mistakes,  
10 right?

11 A. Those are two different mistakes, yes.

12 Q. Let's stick with the first mistake. I understand you  
13 want to talk about this other one.

14 A. I just want to answer your questions.

15 Q. Okay. Well, let's stick with the misconfiguration --

16 A. Okay.

17 Q. -- problem.

18 A. Okay.

19 Q. Just to keep it straight.

20 What you're telling us is that whoever was running  
21 PlayPen through the PlayPen account was trying to keep it so  
22 that you could only get to it through Tor, right?

23 A. Yes, that is my testimony.

24 Q. So that you could not get to it by just punching in the  
25 numbers that we've seen, the IP address, right?



1 A. Yes. That is how, again, based on my review of that  
2 configuration file, it appears that that was the intent of the  
3 creator of the website.

4 Q. And yet you've also told us that the -- whoever was using  
5 PlayPen, at least at some point, was in fact accessing the  
6 website using the direct IP address.

7 A. Yes.

8 Q. And also didn't know you could do that.

9 A. I also testified that he had been notified by other  
10 members of the website that such access was possible.

11 Q. And you're saying that the user before that didn't know  
12 that.

13 A. I don't know exactly when it came to the attention of the  
14 administrator. The administrator could have known about the  
15 misconfiguration. I would expect that the administrator knew  
16 about the misconfiguration prior to being informed by a  
17 regular member of the website.

18 Q. Well, you just told us that it was a mistake.

19 A. Yes. Based on my review of the configuration file it  
20 appeared to be a mistake.

21 Q. But you also say that the -- whoever was on PlayPen was  
22 using that mistake -- using that flaw to get directly to the  
23 website.

24 A. Yes. One of the benefits of that mistake is that if you  
25 do access the website directly, since you're no longer going

1 through the Tor network, your connection to the website is  
2 much faster. Your connection is no longer being bounced all  
3 over the world to five or so different servers in who knows  
4 what country.

5 So it appears that the PlayPen administrator, after  
6 acknowledging our finding out about this misconfiguration at  
7 some point in time, did take advantage of that.

8 Q. Can you show us that in the log when that changed?

9 A. I don't have a specific exhibit prepared that shows that,  
10 but all that information is contained on the hard drives that  
11 have been submitted and were made available for review prior  
12 to trial.

13 Q. The fact is, that sometimes, apparently, PlayPen did not  
14 know that there was this flaw in the website that allowed you  
15 to get directly to it without using Tor, right?

16 A. Sorry. Could you repeat the question again?

17 Q. There were times at which PlayPen, from your review of  
18 the data, did not know that there was this flaw in the website  
19 the way it had been set up that allowed someone to get  
20 directly to it without going through Tor.

21 A. Yes. Based on the review, again, of the configuration  
22 file, there was a typo on one line that made the website  
23 available on the public internet. That line of the  
24 configuration was not standard, again, it had a typo in it.

25 And so it appears that the intent of that configuration

1 line was not to allow it to be available on the public  
2 internet.

3 Q. So just to dumb that down a little bit so we could get it  
4 in a form we can understand.

5 There were times, at which it looks like whoever was  
6 using PlayPen did not know about that flaw. Yes or no?

7 A. Again, I don't know when it came to that individual's  
8 attention.

9 Q. You've been calling it a misconfiguration. You've been  
10 saying that it was a flaw. You've been telling us that it was  
11 somebody who was new at this trying to configure it to hide it  
12 and that they made a mistake, right?

13 A. Yes. Based on my review of the configuration file and,  
14 again, based on a review of a posting made by the  
15 administrator where he states as much.

16 Q. Right. So there were times at which the person who was  
17 operating the PlayPen account didn't know that that flaw was  
18 there?

19 A. That is possible, yes.

20 Q. And there were also times when the person who was logging  
21 into PlayPen using the PlayPen account, that same account, was  
22 exploiting -- to get a faster connection that was not over the  
23 Tor network.

24 A. It is my assumption that they used it for the benefit of  
25 the faster connection. But, yes, the PlayPen user account

1 did, on multiple occasions, connect directly to the website.  
2 And, again, that was permissible because of the typo in the  
3 configuration file.

4 Q. So the same person both made a mistake and then exploited  
5 it. Is that what you're telling us?

6 A. Yes, it appears that way.

7 Q. Agent Alfin, you have gone through a number of the posts  
8 from whoever was operating the PlayPen account. And there was  
9 one entry where the user, the administrator PlayPen, was  
10 talking about how many times a particular image or video had  
11 been downloaded.

12 A. I believe it was a reference to how many times --  
13 actually, I don't remember. That could be accurate. I would  
14 have to look at the post again. But I do recall that there  
15 was an exhibit that made some mention of that.

16 MR. ADOLF: Unfortunately, Judge, I don't believe  
17 the Government's exhibit had page numbers. So I have to ask  
18 them to try to --

19 THE WITNESS: My recollection is that it was a  
20 reference to either how many times the video had been  
21 downloaded or how many times that post had been accessed.

22 MR. ADOLF: If I could just have a moment, Your  
23 Honor.

24 THE COURT: Yes, sir.

25 THE WITNESS: There it is.

1 Q. Agent Alfin, on your screen -- I guess we can show this  
2 to the jury as well if it's not already up there -- this is  
3 the summary chart you created.

4 A. Yes.

5 MR. ADOLF: I'm sorry. The exhibit number is?

6 MR. JONES: 41.

7 MR. ADOLF: 41, page 9.

8 Q. For the record, Government's 41, page 9. I'm showing you  
9 the last post on there, the one from September 27, 2014,  
10 2:45 a.m. Do you see that?

11 A. Yes, I do.

12 Q. And in that, whoever is using PlayPen at that point is  
13 referring to something on the site, presumably some sort of  
14 video or image, and saying, "It's still there and it has been  
15 downloaded 13,084 times."

16 A. Yes.

17 Q. And you took that information from a post you had seen  
18 that had been taken from the server logs.

19 A. Correct. This was one of the posts contained in the  
20 server backup copy that I analyzed.

21 MR. ADOLF: You can take it down.

22 Q. I'm showing you what I'm going to ask to be designated as  
23 Defense 4.

24 Agent Alfin, one of the ways you extract and analyze data  
25 that was taken from the site is through a Cygnus report.

1 A. We do have a tool called "Cygnus" which can analyze and  
2 make it easier to read data from websites such as the PlayPen  
3 website. Our exhibits were not created using the Cygnus  
4 report. You were given copies of Cygnus reports, and that  
5 appears to be where your exhibits came from.

6 Q. And in particular, what you're looking at right now is an  
7 entry from one of the government's Cygnus reports, right?

8 A. Yes. This is a part of that Cygnus report.

9 Q. And this reflects the same kind of data -- and actually  
10 the same data that you used to create your summary chart.  
11 It's just in a different form.

12 A. The Cygnus report was not sourced specifically from the  
13 copy that I analyzed for trial. But it does contain much of  
14 the same information.

15 Q. And, in particular, looking at what you have in front of  
16 you marked as Defense 4, it -- that is, in fact, taken from  
17 data that you got from the PlayPen server.

18 A. This post would have been on the copy that I analyzed,  
19 since it is prior to February 19.

20 Q. And what you're looking at is in the left column, the way  
21 this particular program is set up, it shows a list of  
22 different posts, and one of them is highlighted. And then on  
23 the right you see that particular post, the content of that  
24 post.

25 A. Correct. And as you clarified before, the pink

1 background text is not a post by the actual user. It's quoted  
2 text from another user.

3 MR. ADOLF: Your Honor, I guess we don't admit at  
4 this point, but I would ask if the Government has any  
5 objection to displaying to the jury.

6 MR. JONES: No objection, Your Honor.

7 THE COURT: All right.

8 (Defendant's Exhibit No. 4 was published.)

9 Q. So as we just said, Agent Alfin, this is a post that  
10 whoever had the PlayPen account -- whoever logged in as  
11 PlayPen -- made on February 8, 2015; is that right?

12 A. Yes.

13 Q. That would have been 11 days before Mr. Chase was  
14 arrested, right?

15 A. Approximately, yes.

16 MR. ADOLF: Hold on just a minute.

17 Q. Now I'm showing you a portion of the text. And this is  
18 PlayPen talking about how information is logged on the site,  
19 right?

20 A. It is referring to what information is and is not logged  
21 in the PlayPen file hoster.

22 Q. Whoever was using PlayPen at that point, did not believe  
23 that it was set up to have the capability -- or at least to  
24 record the information about how many times the file's been  
25 downloaded.

1 A. The PlayPen file hoster did not have that capability,  
2 that is correct.

3 Q. And if we can just go on to -- "No log kept of your  
4 logging in," right?

5 A. Yes, that's what it says.

6 Q. Well, that's not true, is it?

7 A. For the PlayPen file hoster, I do not believe user logs  
8 were kept for log-ins. The PlayPen file hoster was separate  
9 from the PlayPen website. So I believe that statement is  
10 accurate.

11 Q. But the PlayPen website was, in fact, keeping logs of  
12 everybody who logged in.

13 A. Yes. It maintained records of when people logged into  
14 the website.

15 Q. Every time they logged in.

16 A. I believe it was every time.

17 Q. And if it was not coming --

18 A. Excuse me. I just want to clarify that answer.

19 It recorded it every time. But the database, I believe,  
20 would only maintain the last time that they had logged in.  
21 And so it would update that entry anytime you logged in. Now,  
22 if you posted on the website, then it will also create logs  
23 for that, as well.

24 Q. And, of course, if you were logging in correctly over  
25 Tor, it would record the log-in but it wouldn't say where you



1 were.

2 A. That is correct.

3 Q. Now, you told us a little bit about the different --  
4 about the different places that appear on the log that appear  
5 to be showing where somebody is logging into from their home  
6 computer onto the PlayPen account. Do you remember discussing  
7 that?

8 A. I testified that there were IP addresses recorded for  
9 some users, including the PlayPen user account.

10 Q. I'm showing you another part of the Cygnus report.

11 A. I see it.

12 Q. Now, what this chart reflects is -- this is part of the  
13 user profile for PlayPen?

14 A. Yes. These are various IP addresses that had been  
15 captured, associated with activity from the PlayPen user  
16 account.

17 Q. And what we have on, I guess, sort of in the middle -- I  
18 guess it would be the fourth column is, you have the date,  
19 time, hours, minutes, seconds of -- that the user using  
20 PlayPen logged in.

21 A. Well, not logged in. You can see the recorded action in  
22 the next column. So that's the IP address that was captured  
23 when that user made a post on the website.

24 Q. And then farther over on the right you see a state  
25 abbreviation, and then more specifically a city, name of the

1 city.

2 A. Yes. Now that is not information that was captured by  
3 the PlayPen website. As I testified to earlier, when you have  
4 an IP address, you can use any number of publicly available  
5 databases to see what company that IP address is owned by.  
6 And you can also use databases to generally geo locate that IP  
7 address. So you can get a pretty good idea that whoever has  
8 this IP address, is in this city and state.

9 And so that information, the last -- the last four  
10 columns, this was information that was populated by the FBI.  
11 It was not actually stored in the website.

12 Q. But the FBI got that information from the website.

13 A. We got the IP addresses from the website, and then we geo  
14 located them and put those other columns in there.

15 MR. ADOLF: Right. Now -- and I'm sorry. I guess,  
16 again, I would ask to mark this as Defense 5. Again, we're  
17 not going to enter it into evidence formally, but ask the  
18 Government if there is an objection to displaying to the jury.

19 MR. JONES: No objection, Your Honor.

20 THE COURT: All right. It will be admitted for  
21 purposes of viewing at this time. It is identified as No. 5.

22 (Defendant's Exhibit No. 5 was published.)

23 Q. Now you're telling us, again, this is a record of when  
24 somebody using the PlayPen account logged on, did something on  
25 the website.

1 A. Yes.

2 Q. And in the fourth column you can see year, month, day,  
3 and then hour, minute, and second of the day.

4 A. Yes.

5 Q. Now you're talking just now about the IP addresses. And  
6 the IP address which is where the server is seeing that that  
7 person is located who's logging in, that's in a column to the  
8 left of the date at the top. It says 207.207.7.135.

9 A. Yes. That is the IP address that is visible to the  
10 website.

11 Q. And if you look over more towards the right you see an FL  
12 and a Miami which is indicating that that IP address is  
13 located in the Miami, Florida area.

14 A. Yes. The geo location software is not perfect, but it is  
15 generally accurate. So that IP address was very likely  
16 assigned to a company in Miami, Florida on that date in time.

17 Q. Now, so what you're saying is, this is somebody -- well,  
18 okay, let me back up.

19 The second item, the second row below that 207 number on  
20 the left, if you look at that IP address it's 127.0.0.1.

21 A. Yes, I see it.

22 Q. That number appears several times down lower in the log.

23 A. Yes, it does.

24 Q. And looking across to the right, every time that number  
25 appears. There's no country listed where that's coming from.

1 There's no state listed where that's coming from, and there's  
2 no city listed where that's coming from, right?

3 A. Yes, that's correct.

4 Q. And the reason for that is 127.0.0.1 is not an IP  
5 address.

6 A. That's not an accurate statement. It is an IP address.

7 Q. Okay. I'm sorry. It is the IP address of the server  
8 itself, right?

9 A. 127.0.0.1 is generally present on every single computer  
10 connected to a network. It is not an IP address that can be  
11 used to communicate across the internet. It is not one that  
12 you would be assigned by, say Comcast or TimeWarner Cable. It  
13 is on your network, on your computer. It represents your own  
14 machine.

15 Q. So that is the server just putting down that it got the  
16 signal from itself, basically.

17 A. Yes and no. A Tor hidden service, when it's accessed as  
18 intended, connections come into the Tor hidden service and  
19 then it appears to the website that the connections are  
20 originating from within the computer, even though they're  
21 coming across the Tor network. And so when you see entries on  
22 this column that say, 127.0.0.1, that is an indication that  
23 someone has connected to and logged into the website through  
24 the Tor network.

25 Q. And that, of course, is what the Tor network is all

1 about, right?

2 It's to make sure that the website you're going to  
3 doesn't know where you are.

4 A. Yes, that is one of the intended uses of the Tor network.

5 Q. So 127.0.0.1 is basically just a placeholder. It's A  
6 blank, essentially.

7 A. I think I was clear in my explanation of what it is.

8 Q. Fair enough.

9 If we're looking at that second row, we're talking about  
10 August 23rd of 2014, that is somebody logging in over Tor.

11 A. Yes.

12 Q. And as you said -- just said, one of the primary purposes  
13 why somebody would log into this website -- or why this  
14 website would be set up only to allow access to Tor, is so  
15 that neither side would know who the other side was or where  
16 the other side was.

17 A. Yes. That is the intended functionality of a Tor hidden  
18 service.

19 Q. And yet the very next time somebody logs in from PlayPen,  
20 or using the PlayPen account, now all of a sudden we have a  
21 real IP address somewhere in the outside world that can be  
22 traced to an outside computer that that communication came  
23 from, right?

24 A. Yes. There is a normal internet routable IP address in  
25 the next row?

1 Q. In Ashburn, Virginia.

2 A. That is where the company that owns that IP address was  
3 located.

4 Q. And what company is that?

5 A. Appears to be Insync Internet Services.

6 Q. Did you investigate Insync Internet Services to figure  
7 out who -- where that connection was coming from through them?

8 A. No. The IP addresses in here, for the most part, other  
9 than ones that -- just give me one second.

10 The IP addresses that are listed in here, for the most  
11 part, belong to either VPN companies or Tor node companies.  
12 And I described earlier that they generally cannot be followed  
13 up on.

14 Q. By --

15 A. I don't recall specifically what Insync Internet  
16 Services, what that company is.

17 Q. When you say they can't be followed up on, that means  
18 that you can't go look up Insync Internet Services and go talk  
19 to them?

20 A. You certainly can. But generally with VPN providers,  
21 most of the ones used by individuals, certainly ones who are  
22 accessing child pornography websites, choose VPN providers  
23 that don't keep log files.

24 And so we could contact them and we could serve them with  
25 a subpoena, but it would be wasted effort.

1 Q. So you have logs coming in from a company in Ashburn,  
2 Virginia, right?

3 A. Yes.

4 Q. How far is that from your office? Your office is in  
5 Maryland?

6 A. It is.

7 Q. But it wasn't worth it to talk to Insync Internet  
8 Services and see if they have a record of who was logging in  
9 and from where?

10 A. No, it was not.

11 Q. Because you decided in advance that they probably don't  
12 keep any records, and it's probably a waste of time.

13 A. At that point in the investigation we had confirmed the  
14 identity of our subject, Steven Chase. And so, again, there  
15 was no -- nothing to be gained by following up on that -- I  
16 guess -- that IP address, that VPN IP address.

17 Q. So at that point in the investigation you had already  
18 seen Mr. Chase logged into the computer.

19 A. I, of course, had not seen Mr. Chase -- or rather I  
20 should clarify. What timeframe are you referring to?

21 Q. At the time the police broke into his house.

22 A. That never happened.

23 Q. Okay. At the time the police knocked on his door and  
24 then walked in and found the laptop opened, logged into the  
25 site, that was in his home on his laptop?

1 A. He -- I'm not sure what you're referring to with that,  
2 but when we executed the search warrant at his residence, we  
3 did find his laptop, and his laptop was connected to the  
4 PlayPen website.

5 Q. And so as far as you were concerned you had already found  
6 who was the person who had the PlayPen log-in and password,  
7 and you had determined his identity as you just said, right?

8 A. Well, we had determined Mr. Chase's identity prior to the  
9 night of the search warrant. But, yes, during the  
10 investigation we did confirm Mr. Chase's identity as the  
11 PlayPen administrator.

12 Q. And there would be no point looking to see if, for  
13 instance, it turns out that that same account was logged into  
14 from some other computer. That didn't matter any more, right?

15 A. I'm sorry. The suggestion that the -- any of these  
16 companies could tell us that the website was accessed from a  
17 different computer is inaccurate. So I'm not exactly sure  
18 what you're asking.

19 Q. Well, VPN companies are actual businesses that keep  
20 actual records, have business accounts, have people that work  
21 there in the building, right?

22 A. Yes. Some of them have, you know, one employee. Some,  
23 I'm sure, have several. And I'm sure they keep varying levels  
24 of records and log files.

25 Q. Varying levels of records and log files.



1 A. Yes.

2 Q. You believe.

3 A. Well, I know that from my experience.

4 Q. Some of them keep them, some of them don't.

5 A. Yes.

6 Q. There are plenty of legitimate businesses that are VPN  
7 services, right?

8 A. Yes. I've never testified that VPN services are only  
9 used for criminal activity. There are plenty of legitimate  
10 reasons to use both VPNs and the Tor network. It's common  
11 within the government to use VPNs.

12 Q. And it's common for private companies, whose employees  
13 are working at home or off site, to use VPN to use -- to use  
14 their working log in information, right?

15 A. Yes, that is common.

16 Q. And those private companies that people are working for,  
17 typically pay money to a VPN company to supply that service.

18 A. Some VPN companies do require payments, some do not.

19 Q. How --

20 A. There are free VPN providers that you can utilize.

21 Q. So in Ashburn, Virginia, Insync Internet Services, is  
22 that a free VPN or do you have to pay for it?

23 A. I don't recall.

24 Q. If it's a service you would have to pay for, there would  
25 be a method of payment and somebody would have had to pay for

1 it, right?

2 A. Generally for a paid service you need to pay, yes.

3 Q. And it needs to be a person with some sort of account,  
4 PayPal or otherwise, that has to make that payment.

5 A. That is generally accurate, yes.

6 Q. And that's apparently, at least sometimes, how you find  
7 people that you're looking for by tracing their PayPal  
8 payments, right?

9 A. Well, if you're referring to the matter at hand, yes, we  
10 did trace the PayPal payments for PayPal -- excuse me, for  
11 PlayPen back to Mr. Chase.

12 MR. ADOLF: If I could just have a moment, Your  
13 Honor.

14 THE COURT: Yes, sir.

15 Q. Agent Alfin, I'm showing you what I'm going to ask to be  
16 designated as Defense 6. This is more data from the Cygnus  
17 report, right?

18 A. Yes, that's what it appears to be.

19 Q. And this is showing other activity by somebody using the  
20 PlayPen account, right?

21 A. This shows more IP addresses. I think this might be --  
22 this looks very similar to the exhibit that you had on  
23 previously.

24 Sorry. It's not the same exhibit, but it contains the  
25 same data.

1 Q. And this is data that obviously came from your analysis  
2 of the PlayPen website after it was seized and accurately  
3 reflects that data; is that right?

4 A. Yes, that's correct.

5 MR. ADOLF: Your Honor, again, not formally  
6 admitting, but seeing if the Government has an objection to  
7 displaying to the jury.

8 MR. JONES: No objection, Your Honor.

9 THE COURT: All right. It may be viewed by the  
10 jury.

11 (Defendant's Exhibit No. 6 was published.)

12 Q. And we already talked a little bit about Insync Internet  
13 Services in Ashburn, Virginia. Looking down the log you can  
14 see a little over halfway down there's one highlighted in  
15 blue. Do you see that?

16 A. Yes, I see that.

17 Q. That would be some activity of someone using the PlayPen  
18 account August 25, 2014, around 5:30 in the morning, right?

19 A. Yes. That's the timestamp. Yes, that all sounds  
20 accurate.

21 Q. And in that case, what the server -- what the PlayPen  
22 server recorded or the server that PlayPen was hosted on  
23 recorded, was information coming from a computer in Chicago,  
24 Illinois.

25 A. Again, the server recorded the IP address, and then we,

1 on our own geo, located it to the Chicago, Illinois area.

2 Q. That's as far as it went.

3 A. I'm sorry. I'm not sure what you're asking.

4 Q. Well, that IP address is a computer that's owned by  
5 someone.

6 A. That IP address is owned by a company, yes.

7 Q. A company apparently called Unus.

8 A. Yes.

9 Q. In Chicago.

10 A. Yes.

11 Q. And you're telling us you believe that might be a VPN  
12 company?

13 A. Yes. Based on the research that I conducted. The IP  
14 addresses that we were not able to follow-up on, either  
15 resolved to VPN companies or Tor nodes.

16 Q. When you say you weren't able to follow-up on it, you  
17 mean you didn't go to Chicago or send anyone from the FBI  
18 Chicago office to go visit Unus and see if they had any logs?

19 A. We did not contact Unus.

20 Q. So you have no idea even if somebody had to pay for that  
21 service, that VPN service, or whether that was a free VPN  
22 service that's paid for by advertising or something else.

23 A. I don't recall off the top of my head, but I'm fairly  
24 certain that's something that could be answered by a quick  
25 Google search.

1 Q. I guess it could have, couldn't it. As for a question,  
2 that date, again, that's August 25th, 2014, at 5:34 in the  
3 morning that that activity was made, right?

4 A. Now that is the date stamp that is recorded there, yes.  
5 And that is the time as recorded by the website. It does not  
6 necessarily mean that it was 5:30 in the morning eastern time.  
7 It's configured to the time zone of the website. But that is  
8 the data that was collected by the website.

9 Q. Agent Alfin, I'm showing you what has already been shown  
10 to the jury and designated as Defense Exhibit 1. Do you  
11 recognize this as being also data that was taken from the  
12 PlayPen server and was laid out this way using Cygnus?

13 A. Yes. This is one of the posts that was made by the  
14 PlayPen user account.

15 Q. And this accurately reflects the data as you recovered it  
16 from the server?

17 A. Yes.

18 Q. You can see the postdate on that is August 25, 2014,  
19 5:34 a.m., by whatever time zone the server's configured on,  
20 right?

21 A. Yes.

22 Q. So this is the post that went through -- or that came  
23 from the Unus Company in Chicago, right?

24 A. I would have to correlate that posting activity back with  
25 the other page, but I'm sure that's accurate if you've done

1 that already.

2 Q. You need to see it again?

3 A. I'm not concerned that you're misleading me on that  
4 aspect.

5 Q. I appreciate it.

6 A. Absolutely.

7 Q. That post is in Russian, isn't it?

8 A. It is.

9 Q. And it's responding -- because at the top of the blowup  
10 there you can see that that is in fact a response to another  
11 post that's in Russian.

12 A. Yes, that's correct.

13 Q. So somebody is making a Russian post from -- that's going  
14 through a company in Chicago.

15 A. Yes. That appears to be what happened here.

16 Q. You told us that another item that was found in  
17 Mr. Chase's house was a cell phone.

18 A. Yes, that's correct.

19 Q. You are aware that cell phones -- obviously in a very  
20 different way from the way websites track activity -- but also  
21 contain plenty of historical data about the user.

22 A. They can.

23 Q. For instance, if they are actually assigned to a network  
24 like Verizon or AT&T or something, that company keeps data  
25 about actually where the cell phone was at given times.

1 A. The -- I don't know that the cell phone generally keeps a  
2 record of where it was. But cell phone companies do sometimes  
3 have records of where cell phones were at various dates and  
4 times. I think that's accurate.

5 Q. And if you have the number of the phone, you as a federal  
6 agent can obtain records from Verizon or AT&T or whatever cell  
7 provider, to see if not the exact location, at least at any  
8 given day or time where the nearest cellular tower was that  
9 that phone was closest to at the time, right?

10 A. You can obtain cell site information through various  
11 forms of legal process from those companies.

12 Q. Agent Alfin, I'm showing you another entry from a Cygnus  
13 report. Does this accurately reflect the data that you  
14 retrieved from the PlayPen server?

15 A. Yes. This accurately reflects another post that was made  
16 by the PlayPen user.

17 Q. Now, in this post, whoever is logged on to PlayPen and is  
18 posting, is saying that they only speak English, and that  
19 whatever foreign language post they're referring to makes them  
20 nervous because they can't read them.

21 A. Yes, that's what the post says.

22 Q. Now you were present in court -- you were present in  
23 court when Special Agent -- or I'm sorry -- Supervisory  
24 Special Agent O'Donnell was on the stand; is that right?

25 A. Yes, that's correct.

1 Q. And you recall us talking about what mal-ware is and how  
2 it works.

3 A. Yes, there were questions regarding mal-ware.

4 Q. And you're aware that -- I guess one of the dangers of  
5 going to websites that you're not familiar with, or dangers of  
6 opening emails that -- or attachments to emails, in general,  
7 that you don't know the source of, is that you can end up with  
8 mal-ware on your computer.

9 A. Mal-ware can be -- you can get mal-ware on your computer  
10 through various different ways, including opening malicious  
11 email attachments, as you've said.

12 Q. Or going on websites where there's criminal intent behind  
13 the person who's running the website and they're trying to  
14 gather information from the people who click on whatever links  
15 are on the website.

16 A. That's possible as well.

17 Q. And it is possible, in fact, to write mal-ware, to set it  
18 up so that somebody who is trying to download an image from a  
19 website that's set up to do it, who's trying to open a video  
20 or download some other file, can end up with a program on  
21 their computer that takes information from their computer and  
22 sends it to someone else without them knowing it?

23 A. Yes, that's accurate. Mal-ware is generally designed --  
24 if you're going to steal someone's information -- you don't  
25 want them to know that it's happening.



1 Q. And more than them not knowing that it's happening when  
2 it happens, programs like that can also be written so that  
3 there is no code left behind on the computer, once that  
4 information has been sent somewhere else.

5 A. Yes, that's correct.

6 THE COURT: Members of the jury, we'll take our  
7 afternoon break at this time. I would ask you to keep in mind  
8 the usual instructions. Call for you in 15 minutes.

9 (The jury was escorted from the courtroom at 3:12.)

10 THE COURT: As always, I urge the parties to take  
11 the time they need, but move along as best we can.

12 MR. ADOLF: Yes, Your Honor.

13 THE COURT: Thank you.

14 May we have the jury.

15 (The jury was returned to the courtroom at 3:32.)

16 THE COURT: All right. The jury is with us.

17 MR. ADOLF: Thank you, Your Honor.

18 Q. Agent Alfin, I'm showing you more data that was produced  
19 on Cygnus -- using Cygnus. And I'd like you to take a look  
20 through it and see if this reflects all of the log-in data  
21 that was done from the PlayPen account, all the data that was  
22 stored on the server, and let me know if you need me to slow  
23 it down.

24 A. It appears to be everything.

25 MR. ADOLF: Your Honor, again, I would offer that as

1 Defendant's 7, which is the log of all the PlayPen IP data.

2 And if the Government has no objection, I would ask  
3 to show that to the jury.

4 THE COURT: All right. It may be viewed by the jury  
5 at this time.

6 (Defendant's Exhibit 7 was published.)

7 Q. Now, Agent Alfin, I'm showing you another log. This is  
8 all the log-in data for the administrator or moderator named  
9 Stretch Armstrong. Do you recognize the name Stretch  
10 Armstrong?

11 A. I do recognize Stretch Armstrong, but to clarify, I don't  
12 believe this is all of the data.

13 Q. Hang on.

14 A. My mistake. It's rolling.

15 Q. My mistake. I'm sorry. We'll scroll through that  
16 quickly and I'll ask you if you recognize that being the same  
17 data that you recovered from the server and is now expressed  
18 as a Cygnus report for users, administrator/moderator Stretch  
19 Armstrong.

20 Are you able to review it at that speed?

21 A. It appears to be accurate.

22 Q. Now, you're aware of who Stretch Armstrong -- who is the  
23 person who actually used that account?

24 A. Yes. As I testified earlier, I identified an individual  
25 named David Lynn Browning as Stretch Armstrong, the moderator

1 from PlayPen.

2 Q. And you confirmed with him that he's the only person  
3 that's used that account, right?

4 A. Yes. He told me that to his knowledge he was the only  
5 person who used the Stretch Armstrong account.

6 MR. ADOLF: Your Honor, again, I would ask to mark  
7 that as Defense 8. And if the Government has no objection, to  
8 show that to the jury.

9 THE COURT: All right. You may do so.

10 (Defendant's Exhibit 8 was published.)

11 Q. These are the logs showing every time that Stretch  
12 Armstrong logged into the PlayPen website, right?

13 A. Well, no. These are logs associated with when he made  
14 actual postings on the website.

15 Q. And every one of those postings were made in such a way,  
16 using Tor, that there was no IP address outside the server  
17 recorded on the service.

18 A. Yes. It appears it was connecting through the Tor hidden  
19 service to the Tor network as intended.

20 Q. This log is 28 pages long, right? Twenty-eight pages  
21 long. Which is actually longer than the PlayPen log; is that  
22 right?

23 A. Yes.

24 Q. And you heard earlier, you were in court when the  
25 government announced that Mr. Browning, who is the person who

1 operated this account, is actually going to testify for the  
2 government; is that right?

3 A. Yes. He is on the Government's Witness List.

4 MR. ADOLF: I have nothing further, Your Honor.

5 THE COURT: Any redirect?

6 MR. JONES: Just a couple of questions, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. JONES:

9 Q. Agent Alfin, was there any indication that the  
10 defendant's computer was remotely hacked or controlled?

11 A. No. As I testified earlier, we were monitoring internet  
12 activity from a residence in Maine, when we were able to  
13 confirm that Mr. Chase was staying at that residence in Maine.

14 Additionally, we were monitoring internet activity at the  
15 defendant's residence after we were able to determine that he  
16 had returned to his Naples, Florida residence.

17 And so when we were monitoring that internet activity, we  
18 were capturing all internet activity going to and from the  
19 residence, not just activity to the PlayPen website or to the  
20 servers here in North Carolina.

21 And so had Mr. Chase's computer been being remotely  
22 controlled during that timeframe, such data would have  
23 appeared in the data that we collected. No such data did  
24 appear.

25 Importantly, on the night of the search warrant when we

1 found Mr. Chase's laptop connected to the PlayPen website and  
2 to the servers in North Carolina, that pen register, that  
3 internet data collection was still active.

4 And so there was no indication -- there was no data  
5 showing that those connections to the PlayPen website were  
6 caused by any outside entity indicating that those connections  
7 were caused by an individual using the laptop inside of  
8 Mr. Chase's residence.

9 Q. Exhibit 2, the Russian post. Could you put that up. Was  
10 it 2, I believe, or -- the Russian post -- 1? Okay.

11 A. I have the exhibit in front of me.

12 (Defendant Exhibit 1.)

13 Q. Agent Alfin, do you know what this post says?

14 A. Yes. It says, "Looking good, Alleynea. I love little  
15 girls."

16 Alleynea was the name of the user who created this  
17 posting on the PlayPen website.

18 Q. Agent Alfin, do you speak Russian?

19 A. No, I don't speak Russian. The original post was created  
20 in Russian. Someone posted images of links to one or more  
21 girls. And so there was a reply from the PlayPen user  
22 account, also in Russian, going through this process takes a  
23 matter of seconds.

24 I know what that says, because I went to a free online  
25 service called Google Translate. I typed in, "Looking good,

1 Alleynea. I love little girls." And the output that I got  
2 was exactly the same as the output of this text.

3 This posting is not an indication, in my mind, that the  
4 individual who created it actually speaks Russian. Merely  
5 that they had access to the internet, which is why I know what  
6 that says.

7 Again, I don't speak Russian, but it's very easy to get  
8 access to all types of tools and technology on the internet.  
9 Translation is just one of them.

10 Q. In reviewing Chase's private messages and posts, was any  
11 other post or message written in Russian?

12 A. No.

13 Q. Are you able to speak Russian to review the Russian  
14 section of the website?

15 A. No. Anyone can access any of the foreign language  
16 sections of the website, and they can still easily download  
17 and view any of the child pornography that was advertised on  
18 those sections of the website.

19 Q. Okay.

20 MR. JONES: No further questions, Your Honor.

21 MR. ADOLF: Just briefly, Your Honor. Regarding  
22 what the Government just asked.

23 THE COURT: All right.

24 RECROSS-EXAMINATION

25 BY MR. ADOLF:

1 Q. You've seen the profile of the PlayPen account. Let me  
2 phrase it a different way. You were here in court when  
3 Supervisory Special Agent O'Donnell testified earlier, right?

4 A. Yes, I was.

5 Q. You were here when he identified the government's exhibit  
6 showing the profile for the PlayPen account.

7 A. Yes, I recall that exhibit.

8 Q. And it included the number of total posts by PlayPen.

9 A. Yes, it did.

10 Q. And it included the total time that a user or users of  
11 the PlayPen account spent in different forums.

12 A. It included a section that indicated -- I believe it was  
13 titled "Activity by Forum." That was a feature of the message  
14 board software that the PlayPen website operated on.

15 Q. Person or persons using the PlayPen account had spent a  
16 total, to that point, of something like 12 hours -- 12 days on  
17 the site, I guess, total time?

18 A. That sounds accurate.

19 Q. And the Russian language area was the area where the  
20 PlayPen user spent the fourth most time of any area of the  
21 site; isn't that right?

22 A. According to that page of the report, that appears what  
23 it was stating. However, I'm not confident that the website  
24 recorded that type of information accurately. If you'll  
25 notice the percentages down, that added up to something like

1 15 percent total.

2 Q. Well, it was showing just the most used, by the user, not  
3 all of the groups, right.

4 A. Correct. However, if you extrapolate from there and  
5 added in every single other forum of the website, there's  
6 still no mathematical way it could add up to 100 percent. So,  
7 again, I'm not confident that those statics were tracked  
8 accurately by the website software.

9 Q. So you think the software made up this person was a  
10 frequent user of the Russian area of the site?

11 A. I'm not suggesting that the software has the capability  
12 to consciously make things up. I'm just stating that those  
13 numbers don't add up to 100 percent. So the numbers don't  
14 appear to be accurate.

15 Q. Computers don't lie.

16 A. Computers do not lie.

17 Q. People do.

18 A. They do.

19 Q. Now, you told us a moment ago that there was a pen trace  
20 and trap -- I think you called it -- on. That was actually on  
21 the -- Mr. Chase's home line that was monitoring traffic at  
22 the time he was arrested.

23 A. Yes, that's correct.

24 Q. And that had been on there for -- this was about a week  
25 or so, at that point.



1 A. Seven to ten days, something like that. That sounds  
2 accurate.

3 Q. And what you told us is during that period of time there  
4 was no evidence that somebody was remotely hacking into his  
5 computer, controlling his computer from somewhere else?

6 A. Yes, that's correct.

7 Q. However, if somebody hacked into his computer months  
8 earlier than that, and had gotten log-in information and had  
9 logged in later on as PlayPen or had gotten any other  
10 information from his computer, there need not be any trace of  
11 that hacking on his computer at the time he seized it; isn't  
12 that right?

13 A. If his computer had been hacked or remotely controlled  
14 prior to the time that we were monitoring his internet  
15 connection, we would have no record of that.

16 MR. ADOLF: Nothing further, Your Honor.

17 THE COURT: Step down.

18 THE WITNESS: Thank you, Your Honor.

19 MS. RANDALL: Your Honor, the Government calls Agent  
20 Thomas Baugher.

21 THOMAS BAUGHER, GOVERNMENT WITNESS, SWORN

22 DIRECT EXAMINATION

23 BY MS. RANDALL:

24 Q. Good afternoon, sir. Can you please tell us your name  
25 and spell your name for the record, please.

1 A. Good afternoon. My name is Thomas R. Baugher. Last name  
2 is spelled B, as in bravo, a-u-g-h-e-r.

3 Q. And how are you currently employed?

4 A. I'm currently employed as a supervisory special agent for  
5 the FBI in Sarasota, Florida.

6 Q. How long have you worked for the FBI?

7 A. Approximately 19 years and three months.

8 Q. And what is your current assignment?

9 A. Currently I'm supervisory special agent for the Sarasota  
10 office.

11 Q. What were your responsibilities back in February of 2015?

12 A. In February of 2015 I was a senior team leader for the  
13 FBI SWAT team out of the Tampa Division.

14 Q. And what exactly is a SWAT team?

15 A. Well, SWAT stands for Special Weapons and Tactics. It's  
16 a team of tactically trained agents who perform high risk,  
17 armed and dangerous type arrests. We train approximately one  
18 day a week.

19 Q. And as a senior team leader of the SWAT team, were you  
20 asked to assist in the execution of a search warrant at a  
21 residence located at 3570 15th Ave. Southwest in Naples,  
22 Florida?

23 A. Yes, I was.

24 Q. Do you remember when that was?

25 A. February 19, 2015, is when we executed the search

1 warrant. And I think I might have been asked about four or  
2 five days before that.

3 Q. I'm going to show you what's been previously admitted as  
4 Government's Exhibit 61. Do you recognize the house depicted  
5 in Government's Exhibit 61?

6 A. Yes, I do.

7 Q. Actually, I apologize. That was not previously admitted.  
8 Special Agent Baugher, can you identify what is in  
9 Exhibit 61?

10 A. That is a photograph taken at night of the defendant's  
11 house. It bears the numbers 3570 above the garage door on the  
12 left hand side.

13 Q. Is this the house you executed the search warrant on in  
14 the late night hours of February 19th into February 20th?

15 A. Yes, it is.

16 Q. Does it accurately depict how the house appeared that  
17 evening?

18 A. Yes, it does.

19 MS. RANDALL: Your Honor, the Government would move  
20 to introduce Exhibit 61 into evidence.

21 THE COURT: Let it be admitted.

22 (Government's Exhibit No. 61 was received into  
23 evidence.)

24 Q. Can you explain to the jury how the execution of a search  
25 warrant is done when SWAT is involved?

1 A. When SWAT's involved, it's similar to when regular agents  
2 execute a search warrant. Our prime directive is safety.  
3 Safety of third parties who may be in the house and  
4 surrounding areas, safety of my team, and the safety of the  
5 subjects we're going to arrest or search a search warrant on  
6 the premises.

7 So once we get notified by an agent that he has an arrest  
8 or she has an arrest that might call for the SWAT team based  
9 on different factors. We evaluate it. If I agree that it is  
10 in fact a SWAT arrest, we go into what's called like a  
11 mission-planning phase where we research the structure, the  
12 occupants, known occupants, probable occupants.

13 And then myself and some of the team leaders that work  
14 for me, we devise the safest possible way to accomplish the  
15 mission, which is either to arrest the individual or determine  
16 that the residence is safe and clear for agents to come in  
17 with the search warrant, the duly signed search warrant by a  
18 federal magistrate and perform the search of that structure.

19 Q. Was there anything unusual about the timing or method of  
20 executing this particular search warrant?

21 A. Yes, it was.

22 Q. What was unusual about it?

23 A. It was unusual that it was late at night. It was unusual  
24 that we were asked to gain access to the interior of the house  
25 as quickly as possible.

1 Q. And in order to execute a house [sic] at night and to do  
2 it in the method you did it, did you have to get special  
3 permission from a judge to do so.

4 A. Yes. When the judge reviews the affidavit and he  
5 determines that there is in fact probable cause, that fruits  
6 or instrumentalities of a crime are present in that specific  
7 location, there's a cover sheet that he signs off.

8 Usually you can't execute a search warrant before 6:00 in  
9 the morning, and you can't execute it later than 10:00 at  
10 night.

11 Then there's another box that you check off which  
12 authorizes law enforcement to execute the search warrant  
13 basically 24 hours and that's the box that was checked off.

14 Q. And normally do you make an announcement when you  
15 enter -- when you try to execute a search warrant?

16 A. Yes. Pursuant to the Fourth Amendment we're required to  
17 knock and announce our presence before entering an  
18 individual's house. We do that to provide them with notice  
19 and also it makes it safer for us. Because if somebody came  
20 in my house at 5:00 in the morning, first thing I'm thinking  
21 is my children, my wife, and then grabbing my weapon, that  
22 sort of thing. So it's much easier when you knock and  
23 announce why you're there.

24 Q. In this case, though, did the judge give your team  
25 permission to enter the house without announcing?

1 A. Yes, he did.

2 Q. Can you please explain to the jury how you approach the  
3 house to execute the search warrant?

4 A. Well, given that our mission was to gain access to the  
5 house and secure the computer before it could be locked up, it  
6 was very important for us to be as quiet and surreptitious as  
7 possible until we got to the house. So we stopped about  
8 500 yards from the residence. We walked up. We left the two  
9 marked units back where we stopped and an ambulance. We  
10 always have marked units and ambulances with us. We left  
11 them. We walked up with our night vision goggles. Along the  
12 side of road there was like a ravine area that was a little  
13 overgrown on the street in front of the defendant's house. We  
14 walked up and we took our positions around the house.

15 Previous to that I had dispatched a scout team at the  
16 defendant's house in his yard to try and tell us which light  
17 in the house was on that would indicate to us where the  
18 computer was being used.

19 So if they said the bedroom light on the right rear is  
20 on, then obviously we know that's probably where we want to go  
21 to make entry through that window. We didn't have any  
22 information about that at all. They didn't observe any signs  
23 of activity inside the residence. So we walked up on foot.  
24 We took our positions and that's where we waited for a very  
25 short amount of time.

1 Q. So what part of the house did you actually approach to  
2 make entry?

3 A. So we had three window teams. There were three primary  
4 windows. We had two people on each window. Their mission  
5 was, upon the command "execute," they were going to stand up,  
6 look inside and see if they saw the defendant or anyone else.  
7 And then I went to the front door with approximately eight  
8 other SWAT operators. So we had the house essentially  
9 surrounded.

10 Q. I am going to show you what I marked as Government's  
11 Exhibit 60. Do you recognize Government's Exhibit 60?

12 A. I do.

13 Q. What is it?

14 A. That's the front of the defendant's house.

15 Q. And does this picture accurately depict how the front of  
16 the defendant's house appeared on the day you executed the  
17 search warrant?

18 A. Yes, it does.

19 MS. RANDALL: Your Honor, we move to introduce  
20 Government's Exhibit 60 into evidence.

21 THE COURT: Yes.

22 MS. RANDALL: Thank you.

23 (Government's Exhibit No. 60 was received into  
24 evidence and published.)

25 Q. Is this the front door depicted in Government's

1 Exhibit 60 that you in fact approached?

2 A. Yes. This is where I was with approximately eight other  
3 SWAT operators.

4 Q. So when you approached it was the door open or shut?

5 A. The door was shut, both doors were shut.

6 Q. And as you approached the front door, did you make any  
7 observations that caused concern to you?

8 A. Yes. So my plan was, we're all going to get into  
9 position and I'm going to wait to hear from the sub-units that  
10 they're in position. So they would say something to the  
11 effect of "Window Team One in place. Window Team Two in  
12 place." So we all sort of are taking their lead that way and  
13 everybody gets in place. I looked in the window that is just  
14 behind the palm tree and that was one of his windows. I could  
15 see a glow suggestive of someone watching TV or a light on. I  
16 could also see a fan going around. It seemed to be going  
17 around very slowly.

18 As we were sitting there and I was waiting for the  
19 command to tell people to initiate, I saw a male come to the  
20 front door and there's -- you might be able to see it if you  
21 blow it up. But on the top of the door there's like a window,  
22 I'm not sure of the technical name for it but like a half  
23 window. And I saw a man I later came to realize was the  
24 defendant looking out the window.

25 Q. And I'm going to show you what's previously been



1 introduced as Government's Exhibit 94. Do you recognize that  
2 individual?

3 A. Yes.

4 Q. Who is that?

5 A. That's the defendant.

6 Q. And did you see the defendant that night?

7 A. I did.

8 Q. At what point did you first see the defendant?

9 A. Well, I saw the top of his head through the window at the  
10 top of the door, and then I saw him once we executed the  
11 search warrant on the floor of his living room.

12 Q. So once you saw the defendant -- when you first saw him  
13 what did you do?

14 A. So normally when we do an operation that requires  
15 simultaneous action by different elements, I give a count  
16 down. So I say, "Team leader has control five, four, three,  
17 two, one. Execute. Execute. Execute." And you say  
18 "execute" three times so everyone can hear it. We have the  
19 radios with the little, you know, the ear deals.

20 But if you're discovered before you get through the  
21 countdown, you say, "Compromise. Compromise." And so when I  
22 saw the defendant's head, I said, "Compromise. Compromise.  
23 Execute. Execute." So then we initiated entry.

24 Q. When you say you saw the defendant's head, how close was  
25 he to the front door at that point?

1 A. Well, he was against the front door and he was looking  
2 out.

3 Q. Of that little window?

4 A. Of that little window.

5 Q. And what were you guys wearing that night?

6 A. We were wearing -- I think we were wearing our green  
7 tactical suits. We had our Kevlar helmets. Some guys had  
8 night vision goggles that they flipped up because they didn't  
9 need them anymore. We would our bulletproof vests with the  
10 ceramic plate to stop rifle rounds.

11 Q. And so then after you yell "Compromise," what happened  
12 next?

13 A. So I'm not sure exactly what caused the defendant to come  
14 to the door. I think it might be -- when I started the count  
15 down one individual was designated to open the screen door.  
16 And he opened the screen door as quietly as he possibly could.  
17 But as a screen door will do, it made a little creak, a  
18 little -- almost imperceptible. That might have got the  
19 defendant to the door, or just maybe his Spidey senses were  
20 tingling.

21 But for whatever reason the door was opened. And then we  
22 had, our breacher has a ram to knock the door down. Before we  
23 knock the door down it's always smarter to test the handle to  
24 make sure it's open. So he was doing that and once I saw the  
25 defendant I started yelling, "Police. Search warrant.

1 Police. Search warrant."

2 And the door wasn't being opened. I don't know if it was  
3 still locked or the defendant was holding it. And then so the  
4 breacher rammed the door. The door went in. Hit the  
5 defendant and it came back, and then there was a pushing match  
6 that went on between the defendant and two of the guys at the  
7 door. And that took maybe five seconds; 1,001, 1,002, 1,003,  
8 1,004, 1,005. A significant time under those circumstances.  
9 Finally we won the pushing contest.

10 The door pushed in, hit the defendant. The defendant  
11 fell back. Two of my guys fell on top of him. They landed on  
12 his lower part of his body. He got up and started to go over  
13 to where the computer was. But only sort of lurched towards  
14 it, maybe got on a knee, and then somebody else dove on top of  
15 him.

16 I was the next through the door. I said, "Computer.  
17 Computer." Because that was what we were concerned about.  
18 Our concern was, we had to get to the computer before he shut  
19 it or before he control/alt/delete locked it up. Because we  
20 were told that the encryption was so good that it would be  
21 nearly impossible to get in to see the child pornography on  
22 his computer if we didn't get it in an active state.

23 So when I saw the computer that was -- that was a good  
24 sign. We had -- I had designated someone else to be the  
25 "mouse jigglie," for lack of a better term, to make sure that

1 the computer didn't lock up on itself. You know, in a period  
2 of inactivity on your computer it will lock, the screen will  
3 lock. So he went over there. I don't remember if he  
4 manipulated the mouse or an internal mouse pad on the laptop.  
5 But he's actually a cyber agent so he's very well trained in  
6 computers. So that night his job was just to make sure he  
7 kept the computer curser moving. He did a good job.

8 Q. I'm going to show you what I marked as Government's  
9 Exhibit 59. Do you recognize that picture?

10 A. Yes, I do.

11 Q. What does it depict?

12 A. This is the front of the defendant's house as you look  
13 in.

14 Q. And does it fairly and accurately depict his house as it  
15 appeared the night you executed the search warrant?

16 A. Yes. There's more lights on now but it does.

17 MS. RANDALL: Your Honor, the Government would move  
18 to introduce Exhibit 59 into evidence.

19 THE COURT: Let it be admitted.

20 (Government's Exhibit No. 59 was received into  
21 evidence and published.)

22 Q. So the struggle that you described happening between the  
23 defendant and your two agents where they fell on the ground,  
24 where did that happen in relation to this picture?

25 A. Well, just inside the door. I would say the defendant

1 initially had been standing on the doormat inside the house  
2 that's depicted in the photograph. And then they fell. I  
3 think the defendant is 6'1" on his driver's license. So they,  
4 you know, fell straight from there. So maybe about 7 feet  
5 from where the threshold of the door is.

6 Q. And then you -- excuse me. You described the defendant  
7 as making a lurching motion.

8 A. Yes.

9 Q. Which direction, using this picture, did he lurch?

10 A. Okay. Well, viewing the picture from outside the house  
11 he would have gone to the left, which is where the computer  
12 was. If he was inside the house and fell down it would have  
13 been to his right.

14 Q. Showing you what's been marked previously as Government's  
15 Exhibit 47, do you recognize what's depicted in that picture?

16 A. Yes, I do.

17 Q. What is that?

18 A. That is the defendant's living room where he was seated,  
19 probably a few minutes before we executed the search warrant.

20 Q. And so from looking at the previous picture, is this the  
21 room that would be to the left if you went in the front door?

22 A. Correct.

23 Q. And is that the computer you saw him lurching towards on  
24 the little table there?

25 A. Yes, in that direction.

1 Q. So at that point was the defendant taken into custody?

2 A. He was.

3 Q. And for the record, do you see the person that you  
4 arrested that evening here in the courtroom today?

5 A. Yes, I do.

6 Q. Can you give us a brief description to identify him?

7 A. The defendant is wearing a yellow shirt with a long beard  
8 and long hair.

9 MS. RANDALL: Your Honor, if the record could  
10 reflect he's identified the defendant.

11 THE COURT: It will so reflect.

12 MS. RANDALL: Thank you.

13 Q. After Mr. Chase was taken into custody, what was the rest  
14 of your role in executing the search warrant?

15 A. Well, as we were getting him under control on the floor  
16 and I say, "Computer" and the computer mouse jigglie went to  
17 the laptop, we had ballistic shields to protect us against  
18 things in the house, and they pushed forward to what would be  
19 the kitchen area to make sure there was no one else inside the  
20 house that would be coming around the corner, you know.

21 In SWAT everyone has their specific assignment. You have  
22 to take care of your assignment and not get tunnel vision on  
23 one specific thing.

24 Q. And so did you discover anybody else inside the home that  
25 evening?

1 A. No.

2 Q. And at that point was the home considered secured?

3 A. Yes. We searched it and we did a secondary search. And  
4 then I deemed it secure and I called for the case agents to  
5 come up and initiate the search.

6 MS. RANDALL: No further questions, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. ADOLF:

9 Q. SSA Baugher, I guess, it is?

10 A. Yes, sir.

11 Q. Would that be your title?

12 A. Yes, sir.

13 Q. Thanks. Good afternoon. I'm Peter Adolf. I'm here  
14 representing Mr. Chase. I just got a couple questions for  
15 you. You talked about the fact that what you got was a  
16 no-knock warrant.

17 A. Yes.

18 Q. And what that means is that's giving you special  
19 permission to enter the house without knocking to surprise the  
20 occupants, right?

21 A. Yes.

22 Q. And you do that in some cases because you're dealing with  
23 particularly dangerous individuals who might be armed, and the  
24 element of surprise is going to help keep you safe.

25 A. Correct.

1 Q. As part of getting ready for an operation like that, one  
2 of the things you want to do is assess the threat of the  
3 person or persons inside.

4 A. Correct.

5 Q. So to the extent you have any information about that  
6 person, you're going to review it with your team to let them  
7 know, basically, who you're dealing with and what you should  
8 be worried about.

9 A. Absolutely.

10 Q. One of the things you do is review their criminal record.

11 A. Yes.

12 Q. And you learned that Mr. Chase had been arrested once  
13 before, I believe it was in 1979, for disorderly conduct and  
14 paid a small fine, right?

15 A. I additionally know that he was arrested for two felonies  
16 and four misdemeanors.

17 Q. That's what you were told at the time?

18 A. That's what I saw on his criminal history report, yes.  
19 Additionally, I know that on two occasions individuals went to  
20 his door and he threatened them with a handgun which he  
21 admitted to the police when they responded.

22 Q. That was information you were given before that?

23 A. Yes, it was. It's part of our thorough research of the  
24 occupants of the structure.

25 Q. Who was it that gave you that information?



1 A. The local police department. And then his criminal  
2 history is available through NCIC through a database search.

3 Q. Now, you said that there were -- as far as where the team  
4 was deployed, there were eight armed officers at the front  
5 door.

6 A. Correct.

7 Q. And you said you initiated entry with him looking through  
8 the door.

9 A. Yes.

10 Q. And by that you mean you broke down the door with a  
11 battering ram.

12 A. We tried the door first. I don't know if it was open.  
13 He was pushing on it. But we actually -- the need for the  
14 no-knock warrant was obviated somewhat by the fact that he  
15 discovered our presence. So we didn't in fact have to rely  
16 upon that.

17 Q. And you said that was a pushing match between Mr. Chase  
18 and two officers?

19 A. Yes.

20 Q. Those two officers were wearing full body armor.

21 A. Correct.

22 Q. Helmets, visors.

23 A. No visors, but helmets.

24 Q. And armed?

25 A. Yes. Well, usually people who are going through the door

1 do not have their long guns on them. They just have their  
2 handguns in their holster. There's a concept called "cover  
3 officer" and "contact officer." You never want to put hands  
4 on a subject when you have a weapon in your hands because of  
5 sympathetic finger movement and stuff like that. So you  
6 always holster up or sling your weapon safe before you have to  
7 put hands on someone. So in that case I don't know if they  
8 had their M-4 long guns on them or not.

9 Q. You said that once he was in the ground and the officers  
10 were trying to restrain him, he lurched towards the computer,  
11 I think, is what you said?

12 A. Yes, in that general direction.

13 Q. As far as looking at the front door you're saying he went  
14 to the left?

15 A. Yes. If you're looking at the front door he went to the  
16 left where the computer would have been -- where the computer  
17 was.

18 Q. Of course if he had gone to the right, he would have been  
19 lurching into that door that had just hit him in the face,  
20 right?

21 A. He was -- if you're looking at the door, the door opens  
22 and the door goes against the wall and then he's directly in  
23 front of the opening of the door. So when he's laying on the  
24 ground, if he's laying on his back the computer was to his  
25 right and the couch where he was on the couch as the

1 administrator.

2 Q. Right. In other words, he was going to the left, right,  
3 correct?

4 A. He was going to our left, his right.

5 Q. Towards another room.

6 A. Towards the living room where his computer was.

7 Q. And away from the door that had just hit him in the face.  
8 That was on --

9 A. I don't know if the door hit him face but...

10 Q. He was behind it when it got battered in.

11 A. No. No, he wasn't. The door pushed in and at a certain  
12 point he stepped back. He wasn't, like, pushed with the door  
13 in one, like, pendulum-like swing against the wall. At some  
14 point we won the battle and he either stepped back and fell  
15 directly back or we pushed him back. But he didn't -- he was  
16 not behind the door.

17 While the struggle was going on, I'm the number 5 person  
18 in the lineup and I was looking in directly. And my concern  
19 was he didn't have a handgun in his hands. So I kept saying,  
20 "Police. Search warrant. Police. Search warrant." And I  
21 could see the door was probably 6 inches open at one point and  
22 he was struggling and they were struggling to get it open.

23 Q. And you won the battle.

24 A. We won, yeah.

25 Q. The eight of you at the front door?

1 A. Well, there was two of us and one of him.

2 Q. And six behind you?

3 A. Correct.

4 MR. ADOLF: Nothing further, Your Honor.

5 MS. RANDALL: No further questions, Your Honor.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you.

8 MS. RANDALL: Your Honor, the Government calls  
9 Daniel Ward.

10 DANIEL WARD, GOVERNMENT WITNESS, SWORN

11 DIRECT EXAMINATION

12 BY MS. RANDALL:

13 Q. Good afternoon, sir. Can you please state your name for  
14 the record?

15 A. My name is Daniel Ward.

16 Q. And, Mr. Ward -- or Special Agent Ward, how are you  
17 employed?

18 A. I'm a special agent with the FBI.

19 Q. And how long have you worked with the FBI?

20 A. About four and a half years.

21 Q. And what type of responsibilities do you have with the  
22 FBI?

23 A. I'm the Fort Myers Child Exploitation Task Force  
24 Coordinator.

25 Q. How long have you worked child exploitation cases?

1 A. About three and a half years.

2 Q. Did you receive a request for assistance to execute --  
3 from another agent in another division -- to execute a search  
4 warrant at 3550 -- excuse me -- 3570 15th Avenue Southwest  
5 Naples, Florida?

6 A. Yes.

7 Q. Can you kind of describe, generally, the nature of that  
8 request?

9 A. It was a lead from another agent to assist in the  
10 execution of a federal search warrant in my area of  
11 responsibility.

12 Q. And is that area of responsibility child exploitation?

13 A. Yes.

14 Q. Was there anything unusual about how the search warrant  
15 was to be executed?

16 A. This one was to be executed any time. A lot of the  
17 search warrants we do is 6:00 a.m. and 10:00 p.m. However,  
18 this one we had a special authority from the judge to allow us  
19 to execute it anytime we saw fit.

20 Q. Did you have concerns about preserving evidence in this  
21 case?

22 A. Yes, we did.

23 Q. What kind of concerns did you have?

24 A. The subject in this case was known to be more  
25 technologically advanced than the average user of the

1 computer. So in order to prevent that person from engaging in  
2 some form of encryption on the computer we had to modify the  
3 search warrant.

4 Q. And did you get that permission from the judge to do so?

5 A. Yes.

6 Q. When did you execute the search warrant?

7 A. It was February 20, 2015, a little after midnight.

8 Q. And who made entry into the house first?

9 A. Our SWAT team made entry first.

10 Q. And after the SWAT team secured the residence and placed  
11 the defendant in custody, what happened next?

12 A. Once they let us know he was in custody and the house was  
13 cleared, there were no occupants, my task force moved in and  
14 we began processing the house for evidence.

15 THE COURT: If you would speak a little closer to  
16 the mic, please.

17 THE WITNESS: Yes, sir.

18 Q. Can you describe generally how the FBI processes a house  
19 for evidence?

20 A. Sure. The team will go in and we will take overall  
21 photographs of the entire house and then we will label each  
22 room, A, through whatever the room would be. And then the  
23 search personnel begin searching the house room by room for  
24 specific items of evidence.

25 Once the items of evidence are found, whoever finds it

1 comes and lets me know and let's the photographer know. At  
2 that point we both go in there, the item is actually  
3 photographed as it is, and then I collect the item and take it  
4 to the area where we're processing the evidence, collecting  
5 it.

6 Q. I'm showing you previously what's been admitted as  
7 Government's Exhibit 61. Do you recognize what's depicted in  
8 61?

9 A. Yes.

10 Q. What do you recognize it to be?

11 A. That's the front of the residence that we did a search  
12 warrant on.

13 Q. And did you follow the procedure you just described in  
14 executing the search warrant at this house?

15 A. Yes.

16 Q. What did the search warrant allow you to seize, if  
17 anything?

18 A. Digital media, thumb drives, laptops, optical disks, some  
19 paperwork, anything kind of related to a digital item.

20 Q. And did you find items that evening that matched digital  
21 media?

22 A. Yes, we did.

23 Q. Showing you what's previously been admitted as  
24 Government's Exhibit 40a, do you recognize that item?

25 A. Yes.

1 Q. What is it?

2 A. That was the laptop computer that was directly in front  
3 of the couch that was in that position when we entered the  
4 house.

5 Q. Does Government's Exhibit 47 also depict that same  
6 computer?

7 A. Yes.

8 Q. I'm going to show you what's been marked as Government's  
9 Exhibit 66. Do you recognize that item?

10 A. Yes, that's the laptop computer.

11 Q. This was the laptop that was depicted in the picture we  
12 just saw?

13 A. Correct.

14 Q. Are you the agent who seized it that evenings?

15 A. Yes.

16 MS. RANDALL: Your Honor, the Government would move  
17 to introduce Exhibit 66 into evidence.

18 THE COURT: Let it be admitted.

19 (Government's Exhibit No. 66 was received into  
20 evidence and published.)

21 Q. Prior to actually seizing the laptop, were other agents  
22 present who first do some on scene forensics with that laptop?

23 A. Yes, there were.

24 Q. Going back to Government's Exhibit 48 where you identify  
25 the laptop. Was there any other kind of digital media



1 attached to the laptop?

2 A. Yes, the thumb drive that is depicted in the picture was  
3 connected to it when we entered the house.

4 Q. And is that the type of device you were also allowed to  
5 seize under the search warrant?

6 A. Yes.

7 Q. Let me show you what I've marked as Government's  
8 Exhibit 68. Do you recognize that item?

9 A. Yes.

10 Q. What is it?

11 A. That's the same disk -- thumb drive that was inside the  
12 computer.

13 Q. And are you the agent who seized it that evening after it  
14 was taken out of the computer?

15 A. Yes, ma'am.

16 MS. RANDALL: Your Honor, the Government move to  
17 introduce Government's Exhibit 68 into evidence.

18 THE COURT: Let it be admitted.

19 (Government's Exhibit No. 68 was received into  
20 evidence and published.)

21 Q. I'm going to show you what has been marked as  
22 Government's Exhibit 50. Do you recognize Government's  
23 Exhibit 50?

24 A. Yes, I do.

25 Q. And what does it depict?

1 A. The cellular phone that was on the couch.

2 Q. What couch?

3 A. The couch that we just saw in the prior picture in front  
4 of the -- behind the laptop.

5 Q. And does it accurately depict how the phone was laying  
6 when you guys executed the search warrant that evening?

7 A. Yes.

8 MS. RANDALL: Your Honor, the Government would move  
9 to introduce Exhibit 50 into evidence.

10 THE COURT: Let it be admitted.

11 (Government's Exhibit No. 50 was received into  
12 evidence and published.)

13 Q. So under the procedure you described previously, you  
14 would have taken this photo and then taken it into evidence at  
15 that point?

16 A. Correct.

17 Q. I'm going to show you what I marked as Government's  
18 Exhibit 67. Do you recognize that item?

19 A. Yes, that's it.

20 Q. "That's it," being the cell phone depicted in  
21 Government's Exhibit 50?

22 A. Yes, ma'am.

23 Q. Are you the agent who seized it that evenings?

24 A. Yes, I am.

25 MS. RANDALL: Your Honor, the Government would move

1 to introduce Exhibit 50 [sic] into evidence.

2 THE COURT: Let it be admitted.

3 MS. RANDALL: Thank you.

4 (Government's Exhibit No. 67 was received into  
5 evidence.)

6 Q. You said you also looked for some documentation that was  
7 relevant to the case. Did you find some paperwork around the  
8 house that looked relevant to the case?

9 A. We did. We found a piece of mail that had a Maine  
10 address on it. We also found some receipts.

11 Q. I'm going to show you Government's Exhibit 54. Do you  
12 recognize Government's Exhibit 54?

13 A. Yes.

14 Q. What does it depict?

15 A. A piece of mail.

16 Q. And where was this mail found?

17 A. I don't recall where the mail was actually found.

18 Q. Was that found in the defendant's home, though?

19 A. Yes.

20 Q. And does this photo depict how the piece of mail appeared  
21 when you executed the search warrant that evening?

22 A. It does.

23 MS. RANDALL: Your Honor, the Government would move  
24 to introduce Exhibit 54 into evidence.

25 THE COURT: Let it be admitted.

1 (Government's Exhibit No. 54 was received into  
2 evidence and published.)

3 Q. What about this piece of mail made you guys stop and take  
4 a picture of it?

5 A. The fact that it had an address in Maine.

6 Q. And can you, just for the record, state who the letter is  
7 addressed to and the address that made you guys --

8 A. It's the addressed to Ms. Louise Chase 3119 Carrabassett  
9 Drive in Carrabassett Valley, Maine, 04547.

10 Q. Let me show you what I marked as Government's Exhibit 53.  
11 Do you recognize that item?

12 A. I do.

13 Q. What is that?

14 A. That's a piece of paper that was pinned to the cork board  
15 that was also in his residence.

16 Q. And does this accurately depict how you found that piece  
17 of paper that evening while executing the search warrant?

18 A. Yes.

19 MS. RANDALL: Your Honor, the Government moves to  
20 introduce Exhibit 53 into evidence.

21 THE COURT: Let it be admitted.

22 (Government's Exhibit No. 53 was received into  
23 evidence and published.)

24 Q. You said this was pinned to a -- like a bulletin board  
25 inside the defendant's house.

1 A. Yes, ma'am.

2 Q. Did you also search the garage of the house?

3 A. Yes, we did.

4 Q. Did you find anything of evidentiary value inside the  
5 garage?

6 A. His car was located in the garage.

7 Q. Show you what has been identified as Government's  
8 Exhibit 57. Do you recognize that picture?

9 A. Yes. That's the Dodge Charger in the garage.

10 Q. And do you -- does this picture fairly depict how the car  
11 was in the garage that evening?

12 A. Yes.

13 MS. RANDALL: Your Honor, the Government would move  
14 to introduce Exhibit into 57 evidence.

15 THE COURT: Let it be admitted.

16 (Government's Exhibit No. 57 was received into  
17 evidence and published.)

18 Q. I'm sorry, I skipped over -- you said you also found some  
19 receipts in the residence; is that correct?

20 A. Yes.

21 Q. And were those receipts also photographed?

22 A. They were.

23 Q. I'm going to first show you what has been marked as  
24 Government's Exhibit 52. Do you recognize Government's  
25 Exhibit 52?

1 A. Yes.

2 Q. And what does it depict?

3 A. The receipts from -- I think it was a Sugarloaf Ski  
4 Resort in Maine.

5 Q. Does this picture accurately depict the receipts that you  
6 located inside the defendant's residence that evening?

7 A. Yes, ma'am.

8 MS. RANDALL: Your Honor, the Government would move  
9 to introduce Exhibit 52 into evidence.

10 THE COURT: Let it be admitted.

11 (Government's Exhibit No. 52 was received into  
12 evidence and published.)

13 Q. You said these receipts were for a place called Sugarloaf  
14 in Carrabassett Valley, Maine; is that correct?

15 A. Yes.

16 Q. Do these receipts have any dates stamped on them?

17 A. December 29, 2014, and December 8, 2014, and December 30,  
18 2014.

19 Q. And that's the receipts on the right?

20 A. From left to right it starts off at December 8th then  
21 December 29th and December 30t.

22 MS. RANDALL: Move to introduce Government's  
23 Exhibit 51.

24 Q. Are those the other receipts that you were just talking  
25 about?

1 A. Yes.

2 Q. Were these also seized from the defendant's residence  
3 when you executed the search warrant?

4 A. Yes, they were.

5 Q. And does this photo accurately depict how they appeared  
6 that evening?

7 A. It does.

8 MS. RANDALL: Your Honor, the Government would move  
9 to introduce Exhibit 51 into evidence.

10 THE COURT: Let it be admitted.

11 (Government's Exhibit No. 51 was received into  
12 evidence and published.)

13 Q. And what are the dates reflected on these particular  
14 receipts?

15 A. December 30, 2014.

16 Q. And is there an address listed on these receipts?

17 A. 197 Main Street, Farmington, Maine.

18 MS. RANDALL: No further questions, Your Honor.

19 MR. ADOLF: Nothing, Your Honor.

20 THE COURT: You may step down.

21 (Witness excused.)

22 MS. RANDALL: Your Honor, the Government next would  
23 call Kevin Kelley to the stand.

24 KEVIN KELLEY, GOVERNMENT WITNESS, SWORN

25 DIRECT EXAMINATION

1 BY MS. RANDALL:

2 Q. Good afternoon, sir. Can you please tell us your name.

3 A. My name is Kevin Kelley, K-e-l-l-e-y.

4 Q. How are you employed?

5 A. I am a special agent with the FBI assigned to the Boston  
6 Division, Augusta, Maine, resident agency.

7 Q. How long have you been with the FBI?

8 A. Since 2005.

9 Q. Did you receive a request to assist in the investigation  
10 of Steven Chase?

11 A. I did.

12 Q. What were you asked to do?

13 A. I was asked essentially to go up to Carrabassett Valley  
14 Maine, 3119 Carrabassett Valley Drive to essentially conduct a  
15 surveillance site survey to see if it appeared anyone was at  
16 that address other than the known owner of the home Louise  
17 Chase.

18 Q. And what were you able to determine based on your  
19 investigation?

20 A. When I went by the address, I observed a white -- late  
21 model white Dodge Charger backed into the driveway with its  
22 front end facing the street. And I noticed that the front of  
23 the car did not have a license plate or license plate bracket.  
24 Which in Maine all registered cars have to have a front and  
25 back license plate. So I assumed that the car maybe from out



1 of state.

2 Q. I'm going to show you what I've marked as Government's  
3 Exhibit 64. Do you recognize that exhibit?

4 A. I do.

5 Q. Can you describe what it is for the record?

6 A. That is a late model white Dodge Charge with the missing  
7 front license plate as I described.

8 Q. Does this photo accurately depict how the home and the  
9 car appeared on the day you drove by that you just described?

10 A. Yes, it does.

11 MS. RANDALL: Your Honor, the Government would move  
12 to introduce Exhibit 64 into evidence.

13 THE COURT: Let it be admitted.

14 (Government's Exhibit No. 64 was received into  
15 evidence and published.)

16 Q. And is this residence the one that you were asked to  
17 check out on the 3119 Carrabassett residence?

18 A. It is, that's correct.

19 Q. Do you remember what day you conducted the surveillance?

20 A. That was on January 30, 2015.

21 Q. At some point later were you also asked to assist in the  
22 execution of a search warrant at the same residence?

23 A. Yes, I was.

24 Q. Do you remember when you executed that search warrant?

25 A. The warrant was on February 20, 2015.

1 Q. And were you present -- and was that search warrant  
2 executed at that same residence we just saw the photo of?

3 A. Yes, it was.

4 Q. When you executed the search warrant, who was present in  
5 that home?

6 A. Louise Chase. She was by herself.

7 Q. What particularly were you looking for that day?

8 A. We were looking for any devices, computer devices, that  
9 may have been in the home or left behind, essentially, any  
10 evidence of child pornography, production or distribution.

11 Q. Did you find anything particularly relevant in this case?

12 A. We found two items of note. We found a ASUS router and  
13 we found a Google Chrome Cast USB thumb drive plugged into the  
14 back of Louise Chase's TV which she was not aware of.

15 Q. And did you seize those items that day?

16 A. We did.

17 Q. Did you also find anything relevant to the defendant  
18 Steven Chase in the home that you took photos of?

19 A. I'm sorry. Can you say that one more time.

20 Q. Sorry, I phrased that terribly. I will show you what's  
21 been marked as Government's Exhibit 65. Was this a photo that  
22 was taken that day?

23 A. Yes, that's right.

24 Q. What does this photo depict?

25 A. These are two pieces of mail that Louise Chase was

1 holding for Steven Chase that she was planning to forward back  
2 down to him in Florida after three weeks.

3 Q. And does this exhibit fairly depict how the mail appeared  
4 the day you executed the search warrant?

5 A. Yes, it does.

6 MS. RANDALL: Your Honor, the Government would move  
7 to introduce Exhibit 65 into evidence.

8 THE COURT: Let it be admitted.

9 (Government's Exhibit No. 65 was received into  
10 evidence and published.)

11 Q. Looking for a piece of mail that's on the bottom, who was  
12 this piece of mail originally addressed to?

13 A. That is to Steven W. Chase of Naples, Florida.

14 Q. And would the first piece, the top piece of mail, where  
15 was that addressed to as well?

16 A. Steven Chase, again, of Naples, Florida.

17 Q. Are you familiar with these little yellow labels that  
18 appear on the bottom of each piece of mail?

19 A. Yes.

20 Q. What does that signify?

21 A. I believe those are U.S.P.S -- U.S. Postal Service  
22 forwarding labels.

23 Q. So in this case the mail was supposed to go to his  
24 residence in Naples, Florida, instead it was forward to this  
25 Carrabassett Drive residence?

1 A. That would be correct.

2 Q. And just to make it clear, this 3119 Carrabassett Drive  
3 is the house you were executing the search warrant in.

4 A. That is the warrant -- that is the address we did the  
5 warrant at, correct.

6 MS. RANDALL: No further questions, Your Honor.

7 MR. ADOLF: Nothing, Your Honor. Thank you.

8 THE COURT: You may step down.

9 MS. RANDALL: Your Honor, the Government would call  
10 Randy Walker.

11 RANDY WALKER, GOVERNMENT WITNESS, SWORN

12 DIRECT EXAMINATION

13 BY MS. RANDALL:

14 Q. Good afternoon, sir. Can you please tell us your name.

15 A. Randy Walker.

16 Q. And how are you employed?

17 A. I am the Deputy Chief of Carrabassett Valley Police  
18 Department in the State of Maine.

19 Q. And how long have you worked at the Carrabassett Valley  
20 Police Department?

21 A. Seventeen years.

22 Q. Can you describe for the jury a little bit about what  
23 Carrabassett Valley is like.

24 A. Is like? It's a ski resort town. We have a -- the  
25 second largest mountain in Maine in our town. It goes from

1 about 600 residences in summertime to 10,000 in the  
2 wintertime. And it's a lot of outdoor activities.

3 Q. How long have you lived in Carrabassett Valley?

4 A. I don't live in Carrabassett.

5 Q. How long have you worked in Carrabassett Valley?

6 A. Seventeen years.

7 Q. To your knowledge, was the defendant -- was the defendant  
8 Steven Chase in Carrabassett Valley in the winter of 2014 to  
9 2015?

10 A. Yes.

11 Q. How do you know that?

12 A. I first met him in the base lodge at Sugarloaf. He was  
13 over by the guest services office. He came up to me and  
14 introduced himself and said he was up here -- up at  
15 Carrabassett to take care of his stepmother and ski and relax  
16 for the winter. He also was involved in two car accidents,  
17 minor car accidents on December 24th and December 26th in  
18 town.

19 Q. Do you happen to remember what kind of vehicle he was  
20 operating at the time he was involved in this car accident?

21 A. A white Dodge Charger with Florida tags on it.

22 Q. During your first conversation with Mr. Chase regarding  
23 the ski resort, do you remember approximately when that  
24 conversation happened?

25 A. It was the end -- I think it was the end of November,

1 beginning of December. It was before the car accidents. I  
2 don't remember the specific date.

3 Q. And he told you he was visiting his stepmother. Did he  
4 tell you who his stepmother was?

5 A. Louise Chase.

6 Q. Did you know who Louise Chase was?

7 A. I do.

8 Q. Show you what's been marked as Government's Exhibit 64.  
9 Do you recognize that residence?

10 A. I do.

11 Q. And do you know who lives in that residence?

12 A. Who lives --

13 Q. Who lives there?

14 A. Yes, Louise Chase does.

15 MS. RANDALL: No further questions, Your Honor.

16 MR. ADOLF: Nothing, Your Honor. Thank you.

17 THE COURT: You may step down.

18 MR. JONES: Your Honor, at this time the United  
19 States calls David Lynn Browning.

20 DAVID LYNN BROWNING, GOVERNMENT WITNESS, SWORN

21 DIRECT EXAMINATION

22 BY MR. JONES:

23 Q. Good afternoon, Mr. Browning. Please introduce yourself  
24 to the jury.

25 A. My name is David Browning. What specific information do

1 you want? I'm sorry.

2 Q. Just a brief description -- just state and spell your  
3 name for record as well.

4 A. David Lynn Browning, D-a-v-i-d. L-y-n-n.  
5 B-r-o-w-n-i-n-g.

6 Q. How old are you, Mr. Browning?

7 A. Forty-seven.

8 Q. Just briefly, what schooling did you receive?

9 A. I had two years of college.

10 Q. Mr. Browning, have you been represented by an attorney  
11 throughout the course of this criminal process?

12 A. Yes, sir, I have.

13 Q. Mr. Browning, did you recently plead guilty to engaging  
14 in a child exploitation enterprise?

15 A. Yes, I did.

16 Q. Did you enter into a plea agreement to cooperate here  
17 today?

18 A. I did.

19 Q. I'm showing you what's been marked as Government  
20 Exhibit 73. I just want to go through the -- walk through the  
21 pages of this plea agreement with you. Starting in -- just  
22 walking through page 1, 2, 3, 4, 5, 6, 7, 8. Do you recognize  
23 this document, Mr. Browning?

24 A. I do, sir.

25 Q. Is it a true and accurate copy of the plea agreement you

1 entered into with the United States?

2 A. It is, yes, sir.

3 MR. JONES: Your Honor, the Government moves to  
4 admit U.S. Exhibit 73.

5 THE COURT: Let it be admitted.

6 (Government's Exhibit No. 73 was received into  
7 evidence and published.)

8 Q. Mr. Browning -- Mr. Browning, looking at the last page of  
9 this plea agreement, will you verify for us that you signed  
10 this plea agreement?

11 A. I did, yes.

12 Q. And your signature is where?

13 A. At the very bottom.

14 Q. Are there any other signatures on this page?

15 A. There are four total.

16 Q. Turn to page -- show you page 6 in this plea agreement,  
17 turn to paragraph 23.

18 Would you read this paragraph for us, Mr. Browning.

19 A. "If requested by the United States but only if so  
20 requested, the defendant agrees to cooperate with the United  
21 States, including but not limited to the following:

22 "The defendant will provide truthful information about  
23 the subject, charges, and any other criminal activity within  
24 the defendant's knowledge to any United States agent or agency  
25 that the United States designates.



1           "The defendant will testify truthfully in any trial,  
2 hearing, or Grand Jury proceeding, including, but not limited  
3 to, testimony against any co-defendants, as the United States  
4 designates. Should the defendant testify at the request of  
5 the United States, the defendant hereby waives payment of any  
6 witness fees or expenses."

7       Q.    Just in your own words, what does that mean -- that  
8 paragraph mean?

9       A.    Just that I agree to testify on -- basically on behalf of  
10 the government in and about this case in a truthful manner.

11       Q.    Okay. Showing you now page 7 of this plea agreement,  
12 next page. If you could look at paragraph 25 at the bottom of  
13 page 7. You also read this paragraph.

14       A.    "Nothing in this agreement places any obligation on the  
15 United States to seek the defendant's cooperation or  
16 assistance. If the defendant so assists the United States,  
17 the United States in its sole discretion will determine  
18 whether said assistance has been substantial and upon  
19 determination that the defendant has rendered substantial  
20 assistance the United States may make a motion pursuant to  
21 U.S.S.G. 5K1.1 for the imposition of a sentence below the  
22 applicable sentencing guidelines or pursuant to Rule 35(b) for  
23 a reduction in the defendant's term of imprisonment."

24       Q.    Let me show you page 8, paragraph c.

25       A.    Paragraph c?

1 Q. Yeah, well, you can finish reading those last two  
2 sentences there.

3 A. Okay. I think it said "The United States may also,  
4 within its sole discretion, move the Court pursuant to 18  
5 U.S.C. 3553(e) and/or Rule 35(b) to impose a sentence below  
6 any applicable statutory mandatory minimum. Any determination  
7 that the defendant has failed to provide substantial  
8 assistance or is knowingly provided false information is  
9 within the sole discretion of the United States and the  
10 defendant waives all objections and rights of appeal or  
11 collateral attacks such as determination. The defendant  
12 understands that if the United States makes a motion for  
13 reduction of the sentence, the motion is not binding on the  
14 District Court."

15 Q. Can you just in your own words explain that last  
16 paragraph, paragraph c?

17 A. That if I -- I have not provided substantial assistance  
18 that the United States does not have an obligation to request  
19 a sentence under those guidelines.

20 Q. Okay. And what about that last sentence?

21 A. "The defendant understands that the United States makes a  
22 motion for a reduction of sentence, the motion is not binding  
23 on the District Court." I guess that -- I assume that means  
24 the judge has discretion of what he wants to do.

25 Q. Does that mean the judge determines sentencing?

1 A. Right, correct. That's what I understand that to mean.

2 Q. Okay. Mr. Browning, has anyone made any threats or  
3 promises to you outside this agreement we just reviewed?

4 A. No, sir.

5 Q. Have you meet with the prosecution team at any time  
6 before today?

7 A. Yes, sir, I did.

8 Q. Just briefly, what did you cover during those meetings?

9 A. You know, we went over this information just, you know,  
10 line of questioning, possible line of questioning. How things  
11 were going to go, the proceedings, that sort of thing.

12 Q. Okay. Has anyone told you what to say in your testimony  
13 other than to tell the truth?

14 A. No, sir.

15 Q. Mr. Browning, just briefly let's talk about your  
16 knowledge of the Tor network or the Dark Web. Just in your  
17 own words, what's the purpose of the Tor network?

18 A. To my understanding the primary purpose of that network  
19 is to mask your -- maybe there's more -- maybe there's more to  
20 it, but the two prominent reasons for Tor is to mask your IP  
21 address, your internet protocol address. Basically every  
22 computer or mobile device, from my understanding, has its own  
23 separate IP number. If you went and posted something say at a  
24 sports forum, say NFL.com, a forum, just through regular  
25 internet, your IP address could be located pretty easily

1 through that. The purpose of Tor is that it masks that IP  
2 address. So it -- Tor actually stands for the onion -- the  
3 Onion Network and it hides your address under many different  
4 layers.

5 How they do that? The technical aspect of that, I'm not  
6 really certain. I just know that's what it does.

7 So if your IP address is identified through Tor it may  
8 show that you -- maybe today you're in Zimbabwe, tomorrow it  
9 could show that you're in Brussels, you know, it's always --  
10 it always varies. And then it is hidden under several  
11 different layers. So there's essentially no way to gain your  
12 true IP address.

13 The second purpose is to host websites that are known  
14 commonly as deep web sites. These are not sites that are  
15 available through normal browsers. In other words, you  
16 couldn't open up Internet Explorer or Google Chrome or  
17 something like that and find these websites.

18 You can access normal sites through Tor. It uses the  
19 Firefox browser. So you could put in Yahoo.com and access  
20 that site. But there are -- the specific sites that are known  
21 as deep websites are dot Onion sites and those are not  
22 available through standard browsers. It's just -- if you put  
23 in the address it's just going to pop up an error message  
24 saying they can't be access.

25 Q. Mr. Browning, what do you primary use the Tor network or

1 the Dark Web for?

2 A. Specifically, for me, it was for child pornography.

3 Q. Now, Mr. Browning, are you familiar with the child  
4 pornography website PlayPen?

5 A. I am, yes.

6 Q. What is it?

7 A. It's just a forum that hosted child pornography. People  
8 could post videos or photographs in regards to that kind of  
9 material.

10 Q. Mr. Browning, how did you find -- were you able to -- you  
11 gave us a description of the Tor network, the Dark Web. How  
12 were you able to find the PlayPen website operating on the  
13 Dark Web?

14 A. It's not really easy. I had initially -- initially, I  
15 was searching for some kind of support site for pedophiles,  
16 just a place where you could go and discuss those issues.  
17 Through just a Google search, you know, and doing a lot of  
18 digging, I found reference to the site called the "Pedo  
19 Support Community," and it was located on the Tor network. Up  
20 until that point I never heard of Tor.

21 But with Tor you have to download a program, a specific  
22 program. You have to install it. You have to configure it  
23 and so forth. And then once you get that installed, even then  
24 it's hard to -- you can't just go into Google and, you know,  
25 type in "Pedo Support Community" and it had that specific

1 address come up. You still have to do quite a bit of digging  
2 in order to find it.

3 So I was able to locate that website. I was active at  
4 that site, which it's just a discussion site, there's no  
5 material. It's actually banned, videos, any kind of material  
6 is not allowed at that site. Links to other websites are not  
7 allowed at that site. But it's not difficult to find people  
8 who are involved in other sites. So, you know, it's just  
9 through discussions with undoubtedly folks at that site that I  
10 learned about PlayPen.

11 Q. Just briefly describe for the jury what you mean when you  
12 say "pedo community." Just kind of describe what that  
13 entailed.

14 A. Well, it's a little -- it's pretty broad, actually. Now  
15 that website in particular was called "Pedo Support  
16 Community." But there's really a, you know, pedo community in  
17 general. And that, you know, that community -- I think a lot  
18 of people, the general public sees pedophiles and child  
19 molesters as one in the same. You know, we're all just --  
20 just the most evil and vial of humanity. And a lot of us just  
21 simply, you know, we're -- I mean, we're just attracted to  
22 children. It's -- it's just, you know, the way we're wired;  
23 can't turn it off, can't change it.

24 So there's a lot of different -- when we speak about  
25 sites such as PlayPen hosting child pornography, I think the

1 common idea is that this is a no-holds-barred, you know,  
2 anything-goes-type forum and community. And that's -- that's  
3 really not the case. There's a lot of people -- it's no  
4 different from just an ordinary person's attraction to another  
5 adult. You know, I would say that -- I mean, I'm also  
6 attracted to women. So, you know, maybe, you know, I have  
7 that attraction, it doesn't necessarily mean that I enjoy  
8 watching pornography. Maybe I like pornography, you know, but  
9 passively. You know, I could like, say, just standard guy on  
10 girl porn. Maybe I like interracial porn but I'm not  
11 necessarily into, you know, sadomasochism and bondage. You  
12 know, I'm not into, you know, bestiality. I'm not into midget  
13 porn, you know, there's -- I mean, any other kind of fetish,  
14 you know, that you could put under there.

15 So -- and in that respect the pedophile community is the  
16 exact same way. There's a lot of different mindsets. A lot  
17 of different, you know, just because we're attracted to  
18 children doesn't mean that it's -- it's anything goes. So  
19 it's pretty detailed.

20 Q. Now, Mr. Browning, just moving along to your involvement  
21 in the PlayPen website. Just generally speaking, were you a  
22 member of the PlayPen website?

23 A. Initially I was a member. When I first joined the site I  
24 was a member. That was probably somewhere in the neighborhood  
25 of October of 2014, I think. I was approached, maybe

1 November, by a couple of the moderators -- actually one  
2 administrator and one moderator and they had asked me if I  
3 would be interested in the moderator position. And at the  
4 time I wasn't. I, you know, I told them a couple times that I  
5 wasn't interested in it. Then they came to me several weeks  
6 later and asked again. And those particular individuals I had  
7 a pretty good relationship with so I agreed to take on the  
8 moderator role on the site.

9 Q. Now going back we talked about -- you said that you  
10 became a member, first. And we'll get to your duties as a  
11 moderator in a second. But just, generally, as a member,  
12 general member of the PlayPen website, what did membership  
13 entail?

14 A. Just access to the different levels of the forum. It was  
15 setup so that I think that, you know, the primary section was  
16 just a discussion section, just a discussion forum. There was  
17 a request section. There was, I think, a section for, like,  
18 tech support and kind of -- kind of a how-to-type section.

19 Passed that it got into the material which would be  
20 broken down, for instance, I think this one in particular it  
21 probably had a "Preteen" section and then it would have --  
22 that would be divided between "Boys" and "Girls." Maybe that  
23 would be divided then between "Videos" and "Photographs."  
24 There was a, like a, what was known as a "Jailbait" section  
25 which was like early to mid teens, that also broken up in



1 sections -- excuse me, sexes. I think there was also a "Web  
2 Cam" section. And it just -- so regular membership just gave  
3 you access to those levels of material and aspects of the  
4 porn.

5 Q. Mr. Browning, I'm going to show you an exhibit that's  
6 already been admitted into evidence, been marked as United  
7 States Exhibit 35. Do you recognize this exhibit?

8 A. Yes, I do.

9 Q. Just scrolling in on the bottom left "Summary," just  
10 briefly describe for the jury this section.

11 A. That was just my, kind of, my profile. "Stretch  
12 Armstrong" was the nickname that I used -- the moderator  
13 nickname that I used. Obviously told that I was a global  
14 moderator and they had options of sending a private message,  
15 showing posts I made, and the stats that went on with that.

16 Q. What's this picture here?

17 A. It's a girl who -- she was a -- she was part of a -- if  
18 you want to call it a modeling agency that was located in  
19 Europe that -- there was many different -- they had many  
20 different girls who -- ranging from late preteens into the  
21 teens who posed for -- all of the material was non-nude but it  
22 was in this -- kind of in this form, a lot of lingerie and  
23 things like that.

24 Q. Did you create this picture? Did you create that  
25 picture?

1 A. I did.

2 Q. Just going to the middle of the page where it has "Posts"  
3 and "Thanks" and "Age." Just briefly explain for the jury  
4 under your profile, kind of, what this information us in your  
5 own words.

6 A. The posts 809 -- I had a total of 809 posts, averaging,  
7 looks like, 9.6 per day. Thanked 612 times. That was kind of  
8 a Karma system that was set up in the forum where you could  
9 thank people for their posts. Basically, a like or dislike  
10 option. Age, that was, you know, we didn't put that  
11 information. Date registered looks like was November 13th,  
12 that's when I registered for the forum. Local time, I  
13 guess -- I guess that was when this particular information was  
14 accessed. And last active was that day at 3:34 a.m. so...

15 Q. Okay.

16 A. The signature was -- was -- if I had posted any files or  
17 material the -- the file password was "Stretch," the download  
18 password was "SA."

19 Q. Okay. And just under "Stretch Armstrong," say "Global  
20 Moderator," could you just explain briefly what "Global  
21 Moderator" meant?

22 A. It was -- there were, I guess, essentially three levels  
23 of administration. You had the person that set up the forum.  
24 You had -- there was a couple of administrators and then there  
25 were moderators. So maybe a good example was that the person

1 that set the -- you know, that set up the forum would have  
2 been the manager. If you want to compare to say like a  
3 restaurant or something. The person set up the forum was a  
4 manager. There were two -- two other administrators that you  
5 could call assistant managers. There were -- I think there  
6 were eight or ten moderators that you could refer to as maybe  
7 a shift leader.

8 Q. I'm showing you what's now been marked as U.S.  
9 Exhibit 10. It's already been admitted.

10 Now, does this page of -- page of the "Staff List," just  
11 briefly describe as you were doing for the jury what this page  
12 entailed.

13 A. Let's see, yeah, looks like the global moderators are at  
14 the top and there were one, two, three, four, five, six --  
15 looks like seven of those. The administrators, three of  
16 those. And the local moderators, I think the local moderators  
17 were -- the global moderators had access to all of the  
18 forums -- or each -- excuse me, each section of the forum.  
19 They could perform moderator duties in each of those sections.

20 The local moderators I think were specific to --  
21 actually, no. Looks like these are -- these were different  
22 languages. I know that there were some -- some moderators who  
23 only had moderator duties over certain sections of the forum.  
24 So maybe they were only -- they could only moderate the  
25 discussion forum or maybe a boys forum or section.

1           This one, maybe they were different languages. I'm not  
2   real certain to be honest.

3   Q.   And just briefly for the jury explain -- you were a  
4   global moderator, just explain the different duties that a  
5   global moderator would have versus administrator PlayPen,  
6   Isabella, and Vitellius.

7   A.   We basically just followed out what the administrator  
8   said. You know, we didn't have any say over how the forum was  
9   set up, the way it was, you know, designed. The way it was --  
10   the content that was hosted. You know, that stuff -- that  
11   stuff was left up to the administrators. Our job was just to  
12   enforce whatever rules and so forth that they had set for the  
13   forum.

14   Q.   Can we go to showing you now what's been marked as U.S.  
15   Exhibit -- U.S. Exhibit 3, I believe. I just want to walk  
16   through some of the sections of the board, just have you  
17   describe for the jury what some of the sections entail. Let's  
18   start with the "General" category section.

19   A.   Yeah, again, just the "General" category, as I said  
20   earlier, "Information and Rules." The first section "How To,"  
21   that was kind of a fact section. "Security and Technology  
22   Discussion" -- I mean, they're -- they're pretty  
23   self-explanatory. "Request" section if there was something  
24   specific you were looking for.

25   Q.   Just to show -- on the "Security and Technology" section,

1 why was there a security and technology section on this  
2 website?

3 A. You simply wanted your identity masked. You know, you  
4 didn't want anyone knowing who and where you were.

5 Q. Okay. And on the "Security and Technology" section, just  
6 if you could, how many -- just looking at this section, how  
7 many posts were --

8 A. 2,035 posts.

9 Q. And how many topics?

10 A. 800 -- or, I'm sorry, 281 topics.

11 Q. Okay. And you were talking about, briefly, the "Request"  
12 section. Briefly describe for the jury what that section  
13 entailed.

14 A. Just simply if somebody -- if there was a particular  
15 content that someone was looking for that they, you know, had  
16 no -- maybe couldn't find on the site or something. They  
17 would make the request in that section and if somebody either  
18 knew that it was -- maybe it was posted somewhere on the forum  
19 or maybe if they knew another place and if they had the  
20 material that they could post. That's where that information  
21 would go.

22 Q. You said "Request," request for what?

23 A. Child porn, just different -- different videos or  
24 photographs.

25 Q. Okay. How many briefly -- how many posted topics were

1 the Request section?

2 A. Looks like 2,487 and 650 topics.

3 THE COURT: Let me see counsel at the sidebar.

4 Members of the jury, we'll talk a little bit about  
5 scheduling and I will speak to you about that at the  
6 appropriate time but for now you all are at ease and we'll be  
7 back in just a moment.

8 (Bench conference as follows:)

9 THE COURT: Just wanted to check with you about  
10 where we might stand so I could give the jury as much of a  
11 head's up on that as I can.

12 MR. JONES: Your Honor, we have Mr. Browning, and  
13 after Mr. Browning we have a couple forensic examiners, and  
14 one other short FBI agent witness after that and that should  
15 be the government's case in chief.

16 THE COURT: Okay. Well, now assuming we have  
17 available for court approximately five hours tomorrow, as I  
18 may have already indicated to you we will adjourn about 2:00.  
19 Then we would have Friday. We talked to the jury about the  
20 possibility of finishing this week but that it might go into  
21 next week. Tell me a little more of what you think about it.

22 MR. JONES: The government's case, the two  
23 examiners --

24 MS. RANDALL: They won't be long. I think there's a  
25 fairly good chance we can close by 2:00 tomorrow, kind of

1 depends on the extent of cross-examination of our cooperator.  
2 Which I know he has to hear what he's going to say first, he  
3 has no idea. But I think we'll be close, if not all the way  
4 there by 2:00 p.m. tomorrow.

5 MR. ADOLF: That leaves the jury charge. I don't  
6 know when Your Honor wants to deal with that.

7 THE COURT: Well, we can give you, in the morning, a  
8 set of our proposed instructions. And I don't think it will  
9 be a surprising sort of thing, the usual stuff.

10 MR. ADOLF: Maybe some legal back and forth about  
11 the instructions because it's kind of a complicated statute,  
12 actually.

13 MS. RANDALL: Not a lot of case law on the  
14 enterprise.

15 MR. ADOLF: The case law we may need time to play  
16 those issues out in front of the Court, how it's charged, in  
17 terms of other counts that are sort of predicated for. It may  
18 take a little longer than we expect, more than a simple read  
19 through.

20 THE COURT: Right.

21 MR. ADOLF: I'm thinking it sounds like we can get  
22 the testimony done tomorrow for sure.

23 THE COURT: Right. Well, we'll certainly try to do  
24 that.

25 MR. ADOLF: I don't know about the jury charge. I

1 would guess, based on what I'm hearing, sum up Friday,  
2 probably early, and maybe --

3 THE COURT: Be nice to get the arguments and charge  
4 in maybe Friday morning.

5 MR. JONES: Before lunch.

6 THE COURT: Then we have to do the forfeiture,  
7 but --

8 MR. JONES: That doesn't take long. I only did one.

9 THE COURT: It doesn't take long.

10 MS. RANDALL: I think our forfeiture, we're not  
11 planning on presenting evidence, just resting on the evidence  
12 in the trial.

13 MR. ADOLF: Might be able to get it done Friday.

14 THE COURT: I'll basically tell the jury what I told  
15 them before, still a viable chance to finish on Friday but may  
16 go into Monday so...

17 MS. RANDALL: Okay.

18 THE COURT: Now, we ought to for the sake of jury  
19 morale, and so forth. I'm sure they would all prefer if we do  
20 it this week.

21 MR. ADOLF: Absolutely. Not just the jury's morale  
22 either.

23 THE COURT: Okay. Now, as far as today, how much  
24 longer do you have with this witness?

25 MR. JONES: We've got quite a bit more with



1 Mr. Browning. I'm sure Peter has a little bit of cross on  
2 him.

3 MR. ADOLF: A little bit.

4 MR. JONES: Like I said, after Browning, the two  
5 examiners, and another brief, short witness. So hopefully we  
6 can close before 2:00 tomorrow.

7 THE COURT: I think we'll let everybody go now and  
8 be back at it in the morning. Thanks a lot.

9 (The bench conference was concluded.)

10 THE COURT: Members of the jury, I've told you just  
11 before that break that we would talk about scheduling. It  
12 appears that we're still on our schedule, we think, and have  
13 our best guess that we will be able to wrap up testimony  
14 likely tomorrow. And as I told you about tomorrow, we'll  
15 start the usual time and then we'll adjourn about 2:00 because  
16 of a conflict in requirements. And then we'll be here all day  
17 Friday -- or have it available, but we'll see about that. It  
18 looks like the case may go to the jury on Friday. And I  
19 assume that would suit everybody, all things being equal. But  
20 there's still that chance that it might go to Monday if the  
21 case simply works out. But that's the best advice I can give  
22 you about our schedule.

23 Thank you very much for your attention to these  
24 matters. We will let you go for today and ask you to be with  
25 us at 9:30.

1 (The jury was escorted from the courtroom at 5:06.)

2 THE COURT: I believe the government needs to  
3 provide a certain format for the forfeiture instruction. I  
4 think you've given it in PDF and it needs to be in Word.

5 MS. RANDALL: Yes. We'll take care of that this  
6 evening.

7 THE COURT: Please don't overlook that, as soon as  
8 possible, because we're trying to get these things done  
9 tonight.

10 MS. RANDALL: I'll take care of that. Can I just --

11 THE COURT: That brief interruption there, the juror  
12 came to look for her car keys and she evidently didn't find  
13 them but now she's gone back out.

14 I would make sure now, you'll probably get a copy of  
15 our proposed jury instructions tonight by email within an hour  
16 or two, and we'll look for that Word document.

17 MS. RANDALL: I'll take care of it, Your Honor.

18 THE COURT: Let me ask you a question. Cygnus  
19 report. How do you spell Cygnus?

20 MS. RANDALL: C-y-g-n-u-s, Your Honor.

21 THE COURT: C-y-g-n-u-s.

22 All right. Point of curiosity.

23 MS. RANDALL: Probably not one we've heard before  
24 this case.

25 If I could bring up one quick matter, Your Honor.

1 It's probably not an issue, I just want to make sure it's not  
2 an issue.

3 Mr. Browning is currently testifying. We turned  
4 over a copy of his NCIC to Mr. Adolf. All that is reflected  
5 on his NCIC is a failure to appear on a driving while  
6 suspended, a dismissed count of child molesting, a protective  
7 order, and then the current charges that he's pled guilty to.  
8 Other than the current charge he's pled guilty to, we don't  
9 think any of those matters would be an appropriate line of  
10 inquiry on cross-examination because there are no convictions  
11 or anything reflected.

12 MR. ADOLF: I'm going to follow the rules of  
13 impeachment, Your Honor.

14 THE COURT: Very well. That's a pretty clear rule.

15 MR. ADOLF: Thank you, Your Honor. I assume I'll  
16 also get a copy of the proposed forfeiture instructions.

17 MS. RANDALL: They were filed --

18 MR. ADOLF: I'm sorry. I remember that. Is that  
19 going to be the same as what it currently is?

20 MS. RANDALL: Yes, it's going to be a Word copy.

21 MR. ADOLF: I assume we'll deal with any problems  
22 with that in the charge conference along with the regular  
23 instructions?

24 THE COURT: Yes.

25 MR. ADOLF: Thank you, Your Honor.

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THE COURT: All right. Thank you all.

(The Court was in recess for the day at 5:15.)